

Reserve
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v. 14
no. 26
Jun 29,



JIM EDGAR
Secretary of State

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Illinois register
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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1990

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990	June 26, 1990	July 3, 1990	28	July 13, 1990
Dec. 26, 1990	Jan. 2, 1990	2	Jan. 12, 1990	July 3, 1990	July 10, 1990	29	July 20, 1990
Jan. 2, 1990	Jan. 9, 1990	3	Jan. 19, 1990	July 10, 1990	July 17, 1990	30	July 27, 1990
Jan. 9, 1990	Jan. 16, 1990	4	Jan. 26, 1990	July 17, 1990	July 24, 1990	31	Aug. 3, 1990
Jan. 16, 1990	Jan. 23, 1990	5	Feb. 2, 1990	July 24, 1990	July 31, 1990	32	Aug. 10, 1990
Jan. 23, 1990	Jan. 30, 1990	6	Feb. 9, 1990	July 31, 1990	Aug. 7, 1990	33	Aug. 17, 1990
Jan. 30, 1990	Feb. 6, 1990	7	Feb. 16, 1990	Aug. 7, 1990	Aug. 14, 1990	34	Aug. 24, 1990
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Feb. 13, 1990	Feb. 20, 1990	9	Mar. 2, 1990	Aug. 21, 1990	Aug. 28, 1990	36	Sept. 7, 1990
Feb. 20, 1990	Feb. 27, 1990	10	Mar. 9, 1990	Aug. 28, 1990	Sept. 4, 1990	37	Sept. 14, 1990
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Mar. 6, 1990	Mar. 13, 1990	12	Mar. 23, 1990	Sept. 11, 1990	Sept. 18, 1990	39	Sept. 28, 1990
Mar. 13, 1990	Mar. 20, 1990	13	Mar. 30, 1990	Sept. 18, 1990	Sept. 25, 1990	40	Oct. 5, 1990
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May 8, 1990	May 15, 1990	21	May 25, 1990	Nov. 13, 1990	Nov. 20, 1990	48	Nov. 30, 1990
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June 19, 1990	June 26, 1990	27	July 6, 1990	Dec. 24, 1990	Dec. 31, 1990	2	Jan. 11, 1991

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Proposed Action:

310.280 Amended

310.290 Amended

310. App. A, Table I Amended

310. App. A, Table O Amended

310. App. A, Table P Amended

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)

5) A Complete Description of the Subjects and Issues Involved:

In Section 310.280, Designated Rate, the Commerce and Community Affairs Program Executive position (\$71,184 annually) is being included within this section for the Department of Commerce and Community Affairs. The annual salary of an Executive V in the Illinois Health Care Cost Containment Council is being changed from \$50,420 to \$64,644. The above have already been approved by the Governor prior to their inclusion under the provision of the Designated Rate section.

In Section 310.290, Out-of-State or Foreign Service Rate, the title of Revenue Auditor Trainee is being added at the request of the Department of Revenue with the Fiscal Year 1991 salary ranges of \$1,975 - 2,527 (CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) and \$2,232 - 2,856 (CA and NJ). Please note that the proposed Fiscal Year 1991 salary ranges for this section were published in the April 13, 1990 Illinois Register.

In Section 310. Appendix A, Table I and O, a study of positions engaged in laboratory activities was conducted with the results of new and abolished classifications as illustrated in the text. Also, the above tables reflect a 1% increase which has been agreed to for Step 7 values of certain direct care titles as illustrated in the text for May 1, 1990. These titles will also receive the 4.5% increase as already negotiated for July 1, 1990.

In Section 310. Appendix A, Table P, a correction in the Longevity Bonus Rate for the Conservation Police Officer II is being included. Also, the salary range for the title of Drug Compliance Investigator is being changed from \$2,180.00 - 2,868.00 to \$2,711.00 - 3,626.00.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒ If "yes", please specify date:
- 8) Do these proposed amendments contain any incorporations by reference? No
- 9) Are there any proposed amendments pending to this part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation
310.110	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.130	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.290	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.300	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.450	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.456	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.530	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.540	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table E	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. App. A, Table F	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix B	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix C	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310. Appendix D	Amended	14 Ill. Reg. 5269 (April 13, 1990)
310.230	Amended	14 Ill. Reg. 7675 (May 25, 1990)
310.280	Amended	14 Ill. Reg. 7675 (May 25, 1990)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

310. App. A, Table A Amended 14 Ill. Reg. 7675
(May 25, 1990)

- 10) Statement of Statewide Objectives:
These amendments to the Pay Plan pertain only to State employees sub-
ject to the Personnel Code and do not set out any guidelines that are
to be followed by local or other jurisdictional bodies within the
State.

- 11) Time, Place, and Manner in which interested persons may comment on
this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

- 12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the
Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not
affect private businesses. Amendments made to the Pay Plan are
not subject to any guidelines or regulations of the Department of
Commerce and Community Affairs.

- B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan
extends only to Personnel Code employees under the jurisdiction
of the Governor.

- C) Reporting, bookkeeping or other procedures required for
compliance:

None

- D) Types of professional skills necessary for compliance:

None

The full text of the proposed Rule(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

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PART 310
PAY PLAN

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Increases in Pay
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Other Pay Provisions
Implementation of Pay Plan Changes, Effective July 1, 1980
Interpretation and Application of Pay Plan
Effective Date
Reinstitution of Within Grade Salary Increases
Fiscal Year 1985 Pay Changes in Schedule of Salary Grades,
effective July 1, 1984 (Repealed)

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Hourly Rate
Member, Patient and Inmate Rate
Trainee Rate
Legislated and Contracted Rate
Designated Rate
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Education Rate
Physician Specialist Rate
Annual Compensation Ranges for Executive Director and
Assistant Executive Director, State Board of Elections
Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

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310.420	Responsibilities
310.430	Merit Compensation Salary Schedule
310.440	Procedures for Determining Annual Merit Increases
310.450	Intermittent Merit Increase
310.455	Merit Zone
310.456	Other Pay Increases
310.460	Adjustment
310.470	Decreases in Pay
310.480	Other Pay Provisions
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TABLE I	RC-009 (Institutional Employees, AFSCME)
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TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
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TABLE N	RC-027 (Physician Rates, AFSCME) (Repealed)
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TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11834, effective June 30, 1989, for a maximum of 150 days; peremptory amendment at 13 Ill. Reg. 12387, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19921, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Banks and Trust CommissionTechnical Advisor IV

(Pos. No. 45254-50-92-300-00-01)

Annual Salary
\$50,000

Department of Central Management ServicesExecutive Press Photographer

(Pos. No. 14000-37-05-000-00-36)

Annual Salary
\$31,896

Information System Specialist II

(Pos. No. 21212-37-10-000-09-08)

Annual Salary
\$53,172

Department of Commerce & Community AffairsCommerce & Community Affairs Program Executive

(Pos. No. 08400-42-40-000-00-01)

Annual Salary
\$71,184

Department of ConservationExecutive III

(Pos. No. 13853-12-31-600-00-01)

Annual Salary
\$54,024

Executive V

(Pos. No. 13855-12-33-000-00-01)

Annual Salary
\$67,200

Health Care Cost Containment CouncilExecutive V

(Pos. No. 13855-50-72-000-00-01)

Annual Salary
\$69,420
\$64,644

Illinois Arts CouncilExecutive Director of the Ill. Arts Council

(Pos. No. 13868-50-90-000-00-01)

Annual Salary
\$55,000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Department of Insurance

Deputy Director
(Pos. No. 12200-14-00-000-00-01) Annual Salary
\$72,600

Department of Mental Health and Developmental Disabilities

Pharmacy Services Manager
(Pos. No. 32015-22-59-914-10-01) Annual Salary
\$45,000

Physician Administrator II
(Pos. No. 32212-22-15-600-00-01) Annual Salary
\$90,000

Department of Public Aid

Public Aid Program Executive II
(Pos. No. 35889-33-00-000-00-51) Annual Salary
\$70,008

Department of State Police

Deputy Director
(Pos. No. 12200-21-00-000-00-01) Annual Salary
\$62,769

Executive V
(Pos. No. 13855-21-00-000-40-01) Annual Salary
\$55,615

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title _____ Range _____ Effective Fiscal Year 1990 _____

Account Technician I
(OH, TX) \$1664 - 2096
(CA, NJ) \$1881 - 2370

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Accounting and Fiscal Administration Career Trainee
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$1889 - 2417
(CA, NJ) \$2136 - 2733

Foreign Service Economic Development Executive I \$2521 - 4365

Foreign Service Economic Development Executive II \$3268 - 5740

Foreign Service Economic Development Representative \$2170 - 3630

Office Assistant (Foreign Service) \$1498 - 2057

Office Associate
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$1603 - 2010
(CA, NJ) \$1812 - 2272

Office Coordinator
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$1664 - 2096
(CA, NJ) \$1881 - 2370

Revenue Audit Supervisor
(OH, TX) \$2869 - 5057
(CA, NJ) \$2869 - 5716

Revenue Auditor I
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$2267 - 2966
(CA, NJ) \$2562 - 3353

Revenue Auditor II
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$2507 - 3298
(CA, NJ) \$2834 - 3728

Revenue Auditor III
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$2793 - 3708
(CA, NJ) \$3158 - 4686

Revenue Auditor Trainee
(CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI) \$1975 - 2527
(CA, NJ) \$2232 - 2856

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

Revenue Assistant Audit Field Manager
(OH, TX)
(CA, NJ) \$3044 - 5411
\$3441 - 6117

Revenue Field Audit Manager
(NJ) \$3674 - 6544

Tax Examiner
(CO, CA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)
(CA, NJ) \$1664 - 2096
\$1881 - 2370

Tax Examiner Trainee
(CO, CA, IN, IA, KY, MI, MN, MO, NE, NC, OH,
TN, TX and WI)
(CA, NJ) \$1498 - 2057
\$1694 - 2093

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310. TABLE 1 RC-009 (Institutional Employees, AFSCME)

Effective: July 1, 1988

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
NOTICE OF PROPOSED AMENDMENTS

MEAT-CUTTER-II-----1342--1388--1436--1488--1535--1587--1674
MENTAL-HEALTH-TECHNICIAN-----1146--1178--1218--1255--1290--1328--1395
TRAINEE-I
MENTAL-HEALTH-TECHNICIAN-----1347--1398--1448--1502--1552--1604--1689
TRAINEE-II
MENTAL-HEALTH-TECHNICIAN-----1227--1268--1306--1347--1390--1430--1502--1539
MENTAL-HEALTH-TECHNICIAN-I
MENTAL-HEALTH-TECHNICIAN-----1307--1355--1399--1446--1492--1541--1619--1641
MENTAL-HEALTH-TECHNICIAN-II
MENTAL-HEALTH-TECHNICIAN-----1355--1402--1450--1503--1550--1603--1691--1700
MENTAL-HEALTH-TECHNICIAN-III
MENTAL-HEALTH-TECHNICIAN-----1402--1454--1507--1563--1617--1672--1762
MENTAL-HEALTH-TECHNICIAN-IV
MENTAL-HEALTH-TECHNICIAN-----1454--1508--1570--1625--1689--1744--1836
MENTAL-HEALTH-TECHNICIAN-V
MENTAL-HEALTH-TECHNICIAN-----1471--1524--1586--1641--1700--1758--1849
MENTAL-HEALTH-TECHNICIAN-VI
MENTAL-HEALTH-TECHNICIAN-----1355--1402--1450--1503--1550--1603--1691--1700
MENTAL-HEALTH-TECHNICIAN-----1307--1355--1399--1446--1492--1541--1619--1641
MENTAL-HEALTH-TECHNICIAN-----1440--1493--1544--1597--1652--1707--1761
MENTAL-HEALTH-TECHNICIAN-----1190--1227--1268--1305--1341--1383--1454--1496
MENTAL-HEALTH-TECHNICIAN-----1307--1355--1399--1446--1492--1541--1619--1641
MENTAL-HEALTH-TECHNICIAN-----1454--1508--1570--1625--1689--1744--1836
MENTAL-HEALTH-TECHNICIAN-----1355--1402--1450--1503--1550--1603--1691--1700
MENTAL-HEALTH-TECHNICIAN-----1310--1376--1636--1699--1759--1822--1923
MENTAL-HEALTH-TECHNICIAN-----1454--1508--1570--1625--1689--1744--1836
MENTAL-HEALTH-TECHNICIAN-----1347--1398--1448--1502--1552--1604--1689
MENTAL-HEALTH-TECHNICIAN-----1398--1450--1507--1560--1619--1675--1761
MENTAL-HEALTH-TECHNICIAN-----1837--1705--1775--1847--1917--1989--2009
MENTAL-HEALTH-TECHNICIAN-----1794--1873--1951--2037--2115--2199--2326
MENTAL-HEALTH-TECHNICIAN-----1874--1960--2046--2132--2210--2302--2437
MENTAL-HEALTH-TECHNICIAN-----1355--1402--1450--1503--1550--1603--1691--1700
MENTAL-HEALTH-TECHNICIAN-----1454--1509--1570--1625--1689--1744--1836
MENTAL-HEALTH-TECHNICIAN-----1388--1440--1492--1548--1601--1655--1745
MENTAL-HEALTH-TECHNICIAN-----1495--1560--1620--1682--1742--1804--1904
MENTAL-HEALTH-TECHNICIAN-----1178--1215--1255--1292--1328--1369--1440
MENTAL-HEALTH-TECHNICIAN-----1255--1294--1341--1382--1423--1468--1538
MENTAL-HEALTH-TECHNICIAN-----1709--1781--1860--1934--2008--2086--2204
MENTAL-HEALTH-TECHNICIAN-----1794--1873--1951--2037--2115--2199--2326

Effective: January 1, 1989

S-T-E-P-S
1-----2-----3-----4-----5-----6-----7
ACTIVITY-PROGRAM-AIDE-I-----1190--1236--1284--1334--1386--1440--1496
ACTIVITY-PROGRAM-AIDE-II-----1227--1274--1323--1374--1427--1482--1539

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Revenue Assistant Audit Field Manager

(OH, TX)
(CA, NJ)
\$3044 - 5411
\$3441 - 6117

Revenue Field Audit Manager

(NJ)
\$3674 - 6544

Tax Examiner

(CO, CA, IN, IA, KY, MI, MO, NE, NC, OH,
TN, TX and WI)
(CA, NJ)
\$1664 - 2096
\$1881 - 2370

Tax Examiner Trainee

(CO, CA, IN, IA, KY, MI, MO, NE, NC, OH,
TN, TX and WI)
(CA, NJ)
\$1498 - 2057
\$1694 - 2093

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310. TABLE 1 RC-009 (Institutional Employees, AFSCME)

Effective--July-1,-1988

S-T-E-P-S

1	2	3	4	5	6	7	7A
ACTIVITY-PROGRAM-AIDE-I	1190-1227-1268-1305-1341-1383-1454-1496						
ACTIVITY-PROGRAM-AIDE-II	1227-1268-1306-1347-1390-1430-1502-1539						
APPAREL-DRY-GOODS-SPEG-I	1215-1255-1293-1334-1376-1416-1487						
APPAREL-DRY-GOODS-SPEG-II	1294-1342-1385-1432-1472-1526-1603						
APPAREL-DRY-GOODS-SPEG-III	1495-1560-1620-1682-1742-1804-1904						
ATTENDANT	1190-1227-1268-1305-1341-1383-1454-1496						
CHILDREN'S-SHELTER-CARE	1454-1508-1570-1625-1689-1744-1836						
ASSOC							
COMMISSARY-CLERK	1178-1215-1255-1292-1328-1369-1440						
COMMISSARY-MANAGER-I	1215-1255-1293-1324-1376-1416-1487						
COMMISSARY-MANAGER-II	1342-1388-1436-1488-1535-1587-1674						
COMMUNITY-WORKER-I	1388-1440-1492-1548-1601-1655-1745						
COMMUNITY-WORKER-II	1440-1493-1554-1609-1672-1727-1818						
COOK-I	1255-1294-1341-1382-1423-1468-1538						
COOK-II	1342-1388-1436-1488-1535-1587-1674						
EDUCATOR-AIDE	1454-1508-1570-1625-1689-1744-1836						
LICENSED-PRACTICAL-NURSE-I	1402-1454-1507-1563-1617-1672-1762						
LICENSED-PRACTICAL-NURSE-II	1471-1524-1586-1641-1700-1758-1849						
LOCKSMITH	1656-1727-1800-1872-1944-2018-2133						

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

MEAT-CUTTER-II

1342-1388-1436-1488-1535-1587-1674

MENTAL-HEALTH-TECHNICIAN

1146-1178-1218-1255-1290-1328-1395

TRAINEE-I

1347-1398-1448-1502-1552-1604-1689

TRAINER-II

1227-1268-1306-1347-1390-1430-1502-1539

MENTAL-HEALTH-TBSPH

1307-1355-1399-1446-1492-1541-1619-1641

NICIAN-I

1355-1402-1450-1503-1550-1603-1691-1700

MENTAL-HEALTH-TBSPH

1402-1454-1507-1563-1617-1672-1762

NICIAN-IV

1454-1508-1570-1625-1689-1744-1836

MENTAL-HEALTH-TBSPH

1471-1524-1586-1641-1700-1758-1849

NICIAN-V

1355-1402-1450-1503-1550-1603-1691-1700

MUSICIAN

1307-1355-1399-1446-1492-1541-1619-1641

PEST-CONTROL-OPERATOR

1440-1493-1554-1609-1672-1727-1818

PHYSICAL-THERAPY-AIDE-I

1190-1227-1268-1305-1341-1383-1454-1496

PHYSICAL-THERAPY-AIDE-II

1307-1355-1399-1446-1492-1541-1619-1641

PHYSICAL-THERAPY-AIDE-III

1454-1508-1570-1625-1689-1744-1836

REHABILITATION-WORKSHOP

1355-1402-1450-1503-1550-1603-1691-1700

INSTRUCTOR-I

1510-1576-1636-1699-1759-1822-1923

REHABILITATION-WORKSHOP

1454-1508-1570-1625-1689-1744-1836

RESIDENTIAL-CARE-WORKER

1347-1398-1448-1502-1552-1604-1689

SECURITY-THERAPY-AIDE-TR

1398-1450-1507-1560-1619-1675-1761

SECURITY-THERAPY-AIDE-I

1837-1705-1775-1847-1917-1989-2099

SECURITY-THERAPY-AIDE-II

1794-1873-1951-2037-2115-2199-2326

SECURITY-THERAPY-AIDE-III

1874-1960-2046-2132-2219-2302-2437

SOCIAL-SERVICE-AIDE-I

1355-1402-1450-1503-1550-1603-1691-1700

SOCIAL-SERVICE-AIDE-II

1454-1509-1570-1625-1689-1744-1836

SUPPORT-SERVICES-SUPV-I

1388-1440-1492-1548-1601-1655-1745

SUPPORT-SERVICES-SUPV-II

1495-1560-1620-1682-1742-1804-1904

SUPPORT-SERVICES-WORKER-II

1178-1215-1255-1292-1328-1369-1440

SUPPORT-SERV-WORKER-I

1255-1294-1341-1382-1423-1468-1538

TRANSPORTATION-COORDINATOR

1709-1781-1860-1934-2008-2086-2204

TRANSPORTATION-OFFICER-I

1794-1873-1951-2037-2115-2199-2326

Effective-January-1,-1989

S-T-E-P-S

1	2	3	4	5	6	7
ACTIVITY-PROGRAM-AIDE-I	1190-1236-1284-1334-1386-1440-1496					
ACTIVITY-PROGRAM-AIDE-II	1227-1274-1323-1374-1427-1482-1539					

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

SUPPORT SERVICES SUPERVISOR I	1437	1490	1544	1602	1657	1713	1806
SUPPORT SERVICES SUPERVISOR II	1547	1615	1677	1741	1803	1867	1971
SUPPORT SERVICES WORKER I	1219	1258	1299	1337	1374	1417	1490
SUPPORT SERVICES WORKER III	1299	1339	1388	1430	1473	1519	1592
TRANSPORTATION COORDINATOR	1769	1843	1925	2002	2078	2159	2281
TRANSPORTATION OFFICER I	1857	1939	2019	2108	2189	2276	2407

Effective February 16, 1990

	1	2	3	4	5	6	7
CLINICAL LABORATORY ASSOCIATE	1347	1394	1442	1492	1541	1591	1677
CLINICAL LABORATORY PHOTOGRAPHIST	1303	1347	1391	1437	1483	1531	1610
CLINICAL LABORATORY TECHNICIAN I	1503	1567	1625	1687	1746	1810	1909
CLINICAL LABORATORY TECHNICIAN II	1643	1712	1778	1851	1919	1990	2102
LABORATORY ASSISTANT	1219	1261	1301	1339	1383	1422	1495
LABORATORY ASSOCIATE I	1503	1567	1625	1687	1746	1810	1909
LABORATORY ASSOCIATE II	1643	1712	1778	1851	1919	1990	2102

Effective May 1, 1990

	1	2	3	4	5	6	7
ACTIVITY PROGRAM AIDE I	1232	1279	1329	1381	1435	1490	1548 1563
ACTIVITY PROGRAM AIDE II	1270	1319	1369	1422	1477	1534	1593 1609
ATTENDANT	1232	1279	1329	1381	1435	1490	1548 1563
CHILDREN'S SHELTER CARE ASSOCIATE	1505	1563	1625	1686	1751	1818	1900 1919
EDUCATOR AIDE	1505	1563	1625	1686	1751	1818	1900 1919
LICENSED PRACTICAL NURSE I	1451	1507	1565	1625	1688	1753	1824 1842
LICENSED PRACTICAL NURSE II	1522	1581	1643	1706	1772	1840	1914 1933
MENTAL HEALTH TECHNICIAN I	1270	1319	1369	1422	1477	1534	1593 1609
MENTAL HEALTH TECHNICIAN II	1353	1406	1459	1515	1574	1635	1698 1715
MENTAL HEALTH TECHNICIAN III	1402	1456	1512	1570	1631	1694	1760 1778
MENTAL HEALTH TECHNICIAN IV	1451	1507	1565	1625	1688	1753	1824 1842
MENTAL HEALTH TECHNICIAN V	1505	1563	1625	1686	1751	1818	1900 1919
MENTAL HEALTH TECHNICIAN VI	1522	1581	1643	1706	1772	1840	1914 1933
MUSICIAN	1402	1456	1512	1570	1631	1694	1760 1778
NURSING ASSISTANT	1353	1406	1459	1515	1574	1635	1698 1715
PHYSICAL THERAPY AIDE I	1232	1279	1329	1381	1435	1490	1548 1563
PHYSICAL THERAPY AIDE II	1353	1406	1459	1515	1574	1635	1698 1715
PHYSICAL THERAPY AIDE III	1505	1563	1625	1686	1751	1818	1900 1919
REHAB. WORKSHOP INSTRUCTOR I	1402	1456	1512	1570	1631	1694	1760 1778
REHAB. WORKSHOP INSTRUCTOR II	1563	1631	1693	1758	1821	1889	1990 2010
RESIDENTIAL CARE WORKER	1505	1563	1625	1686	1751	1818	1900 1919
SOCIAL SERVICE AIDE I	1402	1456	1512	1570	1631	1694	1760 1778
SOCIAL SERVICE AIDE II	1505	1563	1625	1686	1751	1818	1900 1919

Effective: July 1, 1990

	1	2	3	4	5	6	7
ACTIVITY PROGRAM AIDE I	1287	1337	1389	1443	1500	1557	1618 1633
ACTIVITY PROGRAM AIDE II	1327	1378	1431	1486	1543	1603	1665 1681
APPAREL-DRY GOODS SPEC. I	1315	1357	1398	1443	1488	1532	1587 1608
APPAREL-DRY GOODS SPEC. II	1399	1452	1497	1549	1598	1650	1704 1734
APPAREL-DRY GOODS SPEC. III	1617	1688	1752	1819	1884	1951	2060
ATTENDANT	1287	1337	1389	1443	1500	1557	1618 1633
BAKER HELPER	1274	1315	1357	1397	1436	1481	1557
BLACKSMITH	1557	1615	1680	1740	1809	1867	1967
BRAILLE PRINTER	1357	1399	1450	1494	1539	1587	1664
CHILDREN'S SHELTER CARE ASSOCIATE	1573	1633	1698	1762	1830	1900	1986 2005
CLINICAL LABORATORY ASSOCIATE	1408	1457	1507	1559	1610	1663	1752
CLINICAL LABORATORY PHOTOGRAPHIST	1362	1408	1454	1502	1550	1600	1682
CLINICAL LABORATORY TECHNICIAN I	1571	1638	1698	1763	1825	1891	1995
CLINICAL LABORATORY TECHNICIAN II	1717	1789	1858	1934	2005	2080	2197
COMMISSARY CLERK	1274	1315	1357	1397	1436	1481	1557
COMMISSARY MANAGER I	1315	1357	1398	1443	1488	1532	1608
COMMISSARY MANAGER II	1452	1502	1553	1609	1661	1717	1811
COMMUNITY WORKER I	1502	1557	1613	1674	1732	1790	1887
COMMUNITY WORKER II	1557	1615	1680	1740	1809	1867	1967
COOK I	1357	1399	1450	1494	1539	1587	1664
COOK II	1452	1502	1553	1609	1661	1717	1811
EDUCATOR AIDE	1573	1633	1698	1762	1830	1900	1986 2005
FLORIST I	1357	1399	1450	1494	1539	1587	1664
FLORIST II	1617	1688	1752	1819	1884	1951	2060
FOSTER GRANDPARENT	1211	1248	1287	1324	1363	1399	1462
INSTITUTION WORKER	1274	1315	1357	1397	1436	1481	1557
INSTITUTIONAL MAINTENANCE WORKER	1427	1481	1527	1580	1630	1682	1769
LABORATORY ASSISTANT	1274	1318	1360	1399	1445	1486	1562
LABORATORY ASSOCIATE I	1571	1638	1698	1763	1825	1891	1995
LABORATORY ASSOCIATE II	1717	1789	1858	1934	2005	2080	2197
LABORATORY-HELPER	1274	1315	1357	1397	1436	1481	1557
LABORATORY-TECHNICIAN-I	1399	1452	1497	1549	1598	1650	1734
LABORATORY-TECHNICIAN-II	1502	1557	1613	1674	1732	1790	1887
LABORATORY-TECHNICIAN-III	1617	1688	1752	1819	1884	1951	2060
LAUNDRY LEAD WORKER	1452	1502	1553	1609	1661	1717	1811
LAUNDRY WORKER	1274	1315	1357	1397	1436	1481	1557
LICENSED PRACTICAL NURSE I	1516	1575	1635	1698	1764	1832	1906 1925
LICENSED PRACTICAL NURSE II	1590	1652	1717	1783	1852	1923	2000 2020
LOCKSMITH	1791	1867	1947	2025	2103	2183	2307
MEAT CUTTER I	1315	1357	1398	1443	1488	1532	1608
MEAT CUTTER II	1452	1502	1553	1609	1661	1717	1811
MENTAL HEALTH TECHNICIAN I	1327	1378	1431	1486	1543	1603	1665 1681
MENTAL HEALTH TECHNICIAN II	1414	1469	1525	1583	1645	1709	1774 1792

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MENTAL HEALTH TECHNICIAN III	1465	1522	1580	1641	1704	1770	1839	1858
MENTAL HEALTH TECHNICIAN IV	1516	1575	1635	1698	1764	1832	1896	1925
MENTAL HEALTH TECHNICIAN V	1573	1633	1698	1762	1830	1900	1966	2005
MENTAL HEALTH TECHNICIAN VI	1590	1652	1717	1783	1852	1923	1988	2020
MENTAL HEALTH TECHNICIAN TRN. I	1239	1274	1318	1357	1395	1436	1509	
MENTAL HEALTH TECHNICIAN TRN. II	1457	1512	1566	1625	1678	1735	1827	
MUSICIAN	1465	1522	1580	1641	1704	1770	1839	1858
NURSING ASSISTANT	1414	1469	1525	1583	1645	1709	1774	1792
PEST CONTROL OPERATOR	1557	1615	1680	1740	1809	1867	1967	
PHYSICAL THERAPY AIDE I	1287	1337	1389	1443	1500	1557	1618	1633
PHYSICAL THERAPY AIDE II	1414	1469	1525	1583	1645	1709	1774	1792
PHYSICAL THERAPY AIDE III	1573	1633	1698	1762	1830	1900	1966	2005
REHAB. WORKSHOP INSTRUCTOR I	1465	1522	1580	1641	1704	1770	1839	1858
REHAB. WORKSHOP INSTRUCTOR II	1633	1704	1769	1837	1903	1974	2048	2100
RESIDENTIAL CARE WORKER	1573	1633	1698	1762	1830	1900	1966	2005
RESIDENTIAL CARE WORKER TRAINEE	1457	1512	1566	1625	1678	1735	1827	
SECURITY THERAPY AIDE I	1770	1844	1920	1998	2073	2152	2270	
SECURITY THERAPY AIDE II	1941	2026	2110	2203	2288	2378	2515	
SECURITY THERAPY AIDE III	2027	2120	2213	2306	2400	2490	2635	
SECURITY THERAPY AIDE TRAINEE	1512	1569	1630	1688	1751	1812	1905	
SOCIAL SERVICE AIDE I	1465	1522	1580	1641	1704	1770	1839	1858
SOCIAL SERVICE AIDE II	1573	1633	1698	1762	1830	1900	1966	2005
SOCIAL SERVICE AIDE TRAINEE	1274	1318	1360	1399	1445	1486	1562	
SUPPORT SERVICES SUPERVISOR I	1502	1557	1613	1674	1732	1790	1887	
SUPPORT SERVICES SUPERVISOR II	1617	1688	1752	1819	1884	1951	2060	
SUPPORT SERVICES WORKER I	1274	1315	1357	1397	1436	1481	1557	
SUPPORT SERVICES WORKER II	1357	1399	1450	1494	1539	1587	1664	
SUPPORT SERVICES WORKER III	1849	1926	2012	2092	2172	2256	2384	
TRANSPORTATION COORDINATOR	1941	2026	2110	2203	2288	2378	2515	
TRANSPORTATION OFFICER I								

(Source: Amended at 14 Ill. Reg. _____, effective _____)

Section 310. TABLE 0 RC-028 (Paraprofessional Human Services Employees, AFSQVE)

Effective: July 1, 1989

	1	2	3	4	5	6	7
APPAREL-DRY GOODS SPECIALIST III	1547	1615	1677	1741	1803	1867	1971
ASSISTANT REIMBURSEMENT OFFICER	1347	1394	1442	1492	1541	1591	1677
AUDIOMETRIC & VISIONMETRIC TECH.	1261	1303	1346	1389	1431	1473	1546
CHILD DEVELOPMENT AIDE I	1219	1261	1301	1339	1383	1422	1495
CHILD DEVELOPMENT AIDE II	1347	1394	1442	1492	1541	1591	1677
CHILD DEVELOPMENT AIDE III	1447	1501	1560	1615	1676	1734	1823
COMMUNITY WORKER I	1437	1490	1544	1602	1657	1713	1806
COMMUNITY WORKER II	1490	1545	1608	1665	1731	1787	1882

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COMPLIANCE OFFICER	1714	1787	1863	1938	2012	2089	2208
CONSERVATION RESOURCE TECH. I	1503	1567	1625	1687	1746	1810	1909
CONSERVATION RESOURCE TECH. II	1714	1787	1863	1938	2012	2089	2208
CONSTRUCTION SUPERVISOR I	1714	1787	1863	1938	2012	2089	2208
CONSTRUCTION SUPERVISOR II	1971	2063	2158	2247	2341	2434	2579
COUNSELOR-MODEL EMPLOYER	1503	1567	1625	1687	1746	1810	1909
CRIME SCENE TECHNICIAN	2180	2286	2392	2500	2604	2707	2868
CRIME STUDIES ASSOCIATE	1503	1567	1625	1687	1746	1810	1909
DATA PROCESSING ADMINISTRATIVE SPECIALIST	1797	1876	1954	2041	2120	2201	2328
DATA PROCESSING SPECIALIST	1643	1712	1778	1851	1919	1990	2102
DATA PROCESSING TECHNICIAN	1447	1501	1560	1615	1676	1734	1823
DATA PROCESSING TECHNICIAN TRN.	1303	1347	1391	1437	1483	1531	1610
DENTAL ASSISTANT	1303	1347	1391	1437	1483	1531	1610
DENTAL HYGIENIST	1503	1567	1625	1687	1746	1810	1909
ELECTROENCEPHALOGRAPH SUPERVISOR	1503	1567	1625	1687	1746	1810	1909
ELECTROENCEPHALOGRAPH TECHNICIAN	1394	1447	1499	1555	1606	1660	1748
EMPLOYMENT SECURITY MANPOWER TECHNICIAN I	1303	1347	1391	1437	1483	1531	1610
EMPLOYMENT SECURITY MANPOWER TECHNICIAN II	1394	1447	1499	1555	1606	1660	1748
ENVIRONMENTAL PROTECTION TECH. I	1394	1447	1499	1555	1606	1660	1748
ENVIRONMENTAL PROTECTION TECH. II	1503	1567	1625	1687	1746	1810	1909
HEARING & SPEECH TECHNICIAN I	1303	1347	1391	1437	1483	1531	1610
HEARING & SPEECH TECHNICIAN II	1447	1501	1560	1615	1676	1734	1823
HISTORIC SITE INTERPRETER	1447	1501	1560	1615	1676	1734	1823
HISTORIC SITE LEAD I	1714	1787	1863	1938	2012	2089	2208
HISTORIC SITE LEAD II	1797	1876	1954	2041	2120	2201	2328
HOMEMAKER I	1303	1347	1391	1437	1483	1531	1610
HOMEMAKER II	1447	1501	1560	1615	1676	1734	1823
HOUSEKEEPER I	1185	1219	1258	1296	1335	1370	1439
HOUSEKEEPER II	1219	1258	1299	1337	1374	1417	1490
HUNTER SAFETY INSTRUCTOR I	1347	1394	1442	1492	1541	1591	1677
HUNTER SAFETY INSTRUCTOR II	1394	1447	1499	1555	1606	1660	1748
INHALATION THERAPIST	1394	1447	1499	1555	1606	1660	1748
INTERMITTENT UNEMPLOYMENT INSURANCE TECHNICIAN	8.02	8.29	8.56	8.84	9.13	9.42	9.91

LABORATORY-HELPER	1219	1258	1299	1337	1374	1417	1490
LABORATORY-TECHNICIAN-I	1339	1389	1433	1482	1529	1579	1659
LABORATORY-TECHNICIAN-II	1437	1490	1544	1602	1657	1713	1806
LABORATORY-TECHNICIAN-III	1547	1615	1677	1741	1803	1867	1971
LEGAL RESEARCH ASSISTANT*	1714	1787	1863	1938	2012	2089	2208
LICENSED PRACTICAL NURSE I	1451	1507	1565	1625	1688	1753	1824
LICENSED PRACTICAL NURSE II	1522	1581	1643	1706	1772	1840	1914
MEDICAL RECORDS ASSISTANT	1447	1501	1560	1615	1676	1734	1823
MEDICAL RECORDS TECHNICIAN	1568	1634	1695	1764	1829	1892	1997
OFFICE ADMINISTRATIVE SPECIALIST	1643	1712	1778	1851	1919	1990	2102
OFFICE SPECIALIST	1568	1634	1695	1764	1829	1892	1997

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PUBLIC AID ELIGIBILITY ASSISTANT	1394	1447	1499	1555	1606	1660	1748
RADIOLOGIC TECHNOLOGIST	1568	1634	1695	1764	1829	1892	1997
RADIOLOGIC TECHNOLOGIST PROG. COORDINATOR	1643	1712	1778	1851	1919	1990	2102
RANGER	1714	1787	1863	1938	2012	2089	2208
REHAB. COUNSELOR AIDE I	1447	1501	1560	1615	1676	1734	1823
REHAB. COUNSELOR AIDE II	1568	1634	1695	1764	1829	1892	1997
SENIOR RANGER	1797	1876	1954	2041	2120	2201	2328
SITE TECHNICIAN I	1503	1567	1625	1687	1746	1810	1909
SITE TECHNICIAN II	1643	1712	1778	1851	1919	1990	2102
SOCIAL SERVICE COMMUNITY PLANNER	1568	1634	1695	1764	1829	1892	1997
STATISTICAL RESEARCH TECHNICIAN	1568	1634	1695	1764	1829	1892	1997
UNEMP. INSURANCE CLAIMS TECH. I	1303	1347	1391	1437	1483	1531	1610
UNEMP. INSURANCE CLAIMS TECH. II	1394	1447	1499	1555	1606	1660	1748
UNEMP. INSURANCE CLAIMS TECH. III	1447	1501	1560	1615	1676	1734	1823
VETERANS SERVICE OFFICER	1643	1712	1778	1851	1919	1990	2102
VOCATIONAL INSTRUCTOR	1643	1712	1778	1851	1919	1990	2102

*DEPT. OF EMPLOYMENT SECURITY DESIGNATED POSITIONS ONLY

Effective August 16, 1989

	1	2	3	4	5	6	7
PHARMACIST LEAD TECHNICIAN	1394	1447	1499	1555	1606	1660	1748
PHARMACIST TECHNICIAN	1303	1347	1391	1437	1483	1531	1610

Effective February 16, 1990

	1	2	3	4	5	6	7
CLINICAL LABORATORY ASSOCIATE	1347	1394	1442	1492	1541	1591	1677
CLINICAL LABORATORY TECHNICIAN I	1503	1567	1625	1687	1746	1810	1909
CLINICAL LABORATORY TECHNICIAN II	1643	1712	1778	1851	1919	1990	2102
LABORATORY ASSISTANT	1219	1261	1301	1339	1383	1422	1495
LABORATORY ASSOCIATE I	1503	1567	1625	1687	1746	1810	1909
LABORATORY ASSOCIATE II	1643	1712	1778	1851	1919	1990	2102

Effective April 16, 1990

	1	2	3	4	5	6	7
ENVIRONMENTAL EQUIPMENT OPR. I	1643	1712	1778	1851	1919	1990	2102
ENVIRONMENTAL EQUIPMENT OPR. II	1797	1876	1954	2041	2120	2201	2328

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	1	2	3	4	5	6	7
LICENSED PRACTICAL NURSE I	1451	1507	1565	1625	1688	1753	1824
LICENSED PRACTICAL NURSE II	1522	1581	1643	1706	1772	1840	1933

Effective July 1, 1990

	1	2	3	4	5	6	7
APPAREL-DRY GOODS SPECIALIST III	1617	1688	1752	1819	1884	1951	2060
ASSISTANT REIMBURSEMENT OFFICER	1408	1457	1507	1559	1610	1663	1752
AUDIOMETRIC & VISUOMETRIC TECH.	1318	1362	1407	1452	1495	1539	1616
CHILD DEVELOPMENT AIDE I	1274	1318	1360	1399	1445	1486	1562
CHILD DEVELOPMENT AIDE II	1408	1457	1507	1559	1610	1663	1752
CHILD DEVELOPMENT AIDE III	1512	1569	1630	1688	1751	1812	1905
CLINICAL LABORATORY ASSOCIATE	1408	1457	1507	1559	1610	1663	1752
CLINICAL LABORATORY TECHNICIAN I	1571	1638	1698	1763	1825	1891	1995
CLINICAL LABORATORY TECHNICIAN II	1717	1789	1858	1934	2005	2080	2197
COMMUNITY WORKER I	1502	1557	1613	1674	1732	1790	1887
COMMUNITY WORKER II	1557	1615	1680	1740	1809	1867	1967
COMPLIANCE OFFICER	1791	1867	1947	2025	2103	2183	2307
CONSERVATION RESOURCE TECH. I	1571	1638	1698	1763	1825	1891	1995
CONSERVATION RESOURCE TECH. II	1791	1867	1947	2025	2103	2183	2307
CONSTRUCTION SUPERVISOR I	1791	1867	1947	2025	2103	2183	2307
CONSTRUCTION SUPERVISOR II	2060	2156	2255	2348	2446	2544	2695
COUNSELOR-MODEL EMPLOYER	1571	1638	1698	1763	1825	1891	1995
CRIME SCENE TECHNICIAN	2278	2389	2500	2613	2721	2829	2937
CRIME STUDIES ASSOCIATE	1571	1638	1698	1763	1825	1891	1995
DATA PROCESSING ADMINISTRATIVE SPECIALIST	1878	1960	2042	2133	2215	2300	2433
DATA PROCESSING SPECIALIST	1717	1789	1858	1934	2005	2080	2197
DATA PROCESSING TECHNICIAN	1512	1569	1630	1688	1751	1812	1915
DATA PROCESSING TECHNICIAN TRN.	1362	1408	1454	1502	1550	1600	1682
DENTAL ASSISTANT	1362	1408	1454	1502	1550	1600	1682
DENTAL HYGIENIST	1571	1638	1698	1763	1825	1891	1995
ELECTROENCEPHALOGRAPH SUPERVISOR	1571	1638	1698	1763	1825	1891	1995
ELECTROENCEPHALOGRAPH TECHNICIAN	1457	1512	1566	1625	1678	1735	1827
EMPLOYMENT SECURITY MANPOWER TECHNICIAN I	1362	1408	1454	1502	1550	1600	1682
EMPLOYMENT SECURITY MANPOWER TECHNICIAN II	1457	1512	1566	1625	1678	1735	1827
ENVIRONMENTAL EQUIPMENT OPR. I	1717	1789	1858	1934	2005	2080	2197
ENVIRONMENTAL EQUIPMENT OPR. II	1878	1960	2042	2133	2215	2300	2433
ENVIRONMENTAL PROTECTION TECH. I	1457	1512	1566	1625	1678	1735	1827
ENVIRONMENTAL PROTECTION TECH. II	1571	1638	1698	1763	1825	1891	1995

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HEARING & SPEECH TECHNICIAN I	1362	1408	1454	1502	1550	1600	1682
HEARING & SPEECH TECHNICIAN II	1512	1569	1630	1688	1751	1812	1905
HISTORIC SITE INTERPRETER	1512	1569	1630	1688	1751	1812	1905
HISTORIC SITE LEAD I	1791	1867	1947	2025	2103	2183	2307
HISTORIC SITE LEAD II	1878	1960	2042	2133	2215	2300	2433
HONEYMAKER I	1362	1408	1454	1502	1550	1600	1682
HONEYMAKER II	1512	1569	1630	1688	1751	1812	1905
HOUSEKEEPER I	1238	1274	1315	1354	1395	1432	1504
HOUSEKEEPER II	1274	1315	1357	1397	1436	1481	1557
HUNTER SAFETY INSTRUCTOR I	1408	1457	1507	1559	1610	1663	1752
HUNTER SAFETY INSTRUCTOR II	1457	1512	1566	1625	1678	1735	1827
INHALATION THERAPIST	1457	1512	1566	1625	1678	1735	1827
INTERMITTENT UNEMPLOYMENT	8.38	8.66	8.95	9.24	9.54	9.85	10.35
INSURANCE TECHNICIAN	1274	1318	1360	1399	1445	1486	1562
LABORATORY ASSISTANT	1571	1638	1698	1763	1825	1891	1995
LABORATORY ASSOCIATE I	1717	1789	1858	1934	2005	2080	2197
LABORATORY ASSOCIATE II	1774	1815	1857	1897	1936	1981	2066
LABORATORY-REPEER	1399	1452	1497	1549	1598	1650	1734
LABORATORY-TECHNICIAN-I	1592	1657	1713	1767	1822	1879	1987
LABORATORY-TECHNICIAN-II	1617	1688	1752	1819	1884	1951	2060
LABORATORY-TECHNICIAN-III	1791	1867	1947	2025	2103	2183	2307
LEGAL RESEARCH ASSISTANT*	1575	1635	1698	1764	1832	1906	1925
LICENSED PRACTICAL NURSE I 1516	1552	1612	1673	1733	1793	1853	1913
LICENSED PRACTICAL NURSE II 1590	1512	1569	1630	1688	1751	1812	1905
MEDICAL RECORDS ASSISTANT	1639	1708	1771	1843	1911	1977	2087
MEDICAL RECORDS TECHNICIAN	1717	1789	1858	1934	2005	2080	2197
OFFICE ADMINISTRATIVE SPECIALIST	1639	1708	1771	1843	1911	1977	2087
OFFICE SPECIALIST	1457	1512	1566	1625	1678	1735	1827
PHARMACIST LEAD TECHNICIAN	1362	1408	1454	1502	1550	1600	1682
PHARMACIST TECHNICIAN	1457	1512	1566	1625	1678	1735	1827
PUBLIC AID ELIGIBILITY ASSISTANT	1639	1708	1771	1843	1911	1977	2087
RADIOLOGIC TECHNOLOGIST	1717	1789	1858	1934	2005	2080	2197
RADIOLOGIC TECHNOLOGIST PROG.	1791	1867	1947	2025	2103	2183	2307
COORDINATOR	1512	1569	1630	1688	1751	1812	1905
RANGER	1639	1708	1771	1843	1911	1977	2087
REHAB. COUNSELOR AIDE I	1878	1960	2042	2133	2215	2300	2433
REHAB. COUNSELOR AIDE II	1571	1638	1698	1763	1825	1891	1995
SENIOR RANGER	1717	1789	1858	1934	2005	2080	2197
SITE TECHNICIAN I	1639	1708	1771	1843	1911	1977	2087
SITE TECHNICIAN II	1512	1569	1630	1688	1751	1812	1905
SOCIAL SERVICE COMMUNITY PLANNER	1362	1408	1454	1502	1550	1600	1682
STATISTICAL RESEARCH TECHNICIAN	1457	1512	1566	1625	1678	1735	1827
UNEMP. INSURANCE CLAIMS TECH. I	1512	1569	1630	1688	1751	1812	1905
UNEMP. INSURANCE CLAIMS TECH. II	1791	1867	1947	2025	2103	2183	2307
UNEMP. INSURANCE CLAIMS TECH. III	1512	1569	1630	1688	1751	1812	1905

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

VETERANS SERVICE OFFICER	1717	1789	1858	1934	2005	2080	2197
VOCATIONAL INSTRUCTOR	1717	1789	1858	1934	2005	2080	2197

*DEPT. OF EMPLOYMENT SECURITY DESIGNATED POSITIONS ONLY

(Source: Amended at 14 Ill. Reg. ____, effective ____)

Section 310. TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)

Effective: July 1, 1989

	1	2	3	4	5	6	7
AGRICULTURAL PRODUCTS PROMOTER	1637	1707	1773	1845	1917	1986	2097
ANIMAL & ANIMAL PRODUCTS INVESTIGATOR	1794	1870	1952	2037	2113	2196	2325
ANIMAL HEALTH INSPECTOR	1637	1707	1773	1845	1917	1986	2097
ANIMAL WELFARE INSPECTOR	1637	1707	1773	1845	1917	1986	2097
APIARY INSPECTOR	1217	1257	1294	1335	1376	1417	1487
ARSON INVESTIGATOR I	1967	2059	2153	2243	2336	2432	2575
ARSON INVESTIGATOR II	2174	2282	2386	2494	2598	2702	2863
BREATH ALCOHOL ANALYSIS TECHNICIAN	1872	1958	2045	2130	2218	2300	2432
COMMERCE COMM. POLICE OFFICER I	1880	1968	2052	2136	2224	2307	2444
COMMERCE COMM. POLICE OFFICER II	2072	2170	2271	2366	2462	2562	2715
COMMODITIES INSPECTOR	1498	1562	1620	1684	1743	1805	1901
CONSERVATION POLICE OFFICER I*	2066	2164	2263	2357	2456	2554	2706
CONSERVATION POLICE OFFICER II*	2183	2289	2395	2503	2607	2710	2871
DAZING DRUGS COMPLIANCE OFFICER I	1710	1781	1860	1931	2008	2082	2204
DAZING DRUGS COMPLIANCE OFFICER II	1872	1958	2045	2130	2218	2300	2432
DAZING DRUGS COMPLIANCE OFFICER III	1967	2059	2153	2243	2336	2432	2575
DRUG COMPLIANCE INVESTIGATOR	2183	2289	2395	2503	2607	2710	2871
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR I	1498	1562	1620	1684	1743	1805	1901
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR II	1637	1707	1773	1845	1917	1986	2097
EXPLOSIVES INSPECTOR	1637	1707	1773	1845	1917	1986	2097
FINGERPRINT TECHNICIAN I	1392	1441	1493	1547	1601	1655	1744
FINGERPRINT TECHNICIAN II	1498	1562	1620	1684	1743	1805	1901
FINGERPRINT TECHNICIAN III	1637	1707	1773	1845	1917	1986	2097
FIRE INVESTIGATOR I	1710	1781	1860	1931	2008	2082	2204
FIRE INVESTIGATOR II	1872	1958	2045	2130	2218	2300	2432

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NOTICE OF PROPOSED AMENDMENTS

FIRE PREVENTION EDUCATION OFFICER I	1710	1781	1860	1931	2008	2082	2204
FIRE PREVENTION EDUCATION OFFICER II	1872	1958	2045	2130	2218	2300	2432
FIRE PREVENTION INSPECTOR I	1710	1781	1860	1931	2008	2082	2204
FIRE PREVENTION INSPECTOR II	1872	1958	2045	2130	2218	2300	2432
GRAIN INSPECTOR	1498	1562	1620	1684	1743	1805	1901
GRAIN SAMPLER	1392	1441	1493	1547	1601	1655	1744
GUARD I	1257	1297	1341	1384	1427	1471	1542
GUARD II	1392	1441	1493	1547	1601	1655	1744
GUARD III	1563	1629	1690	1759	1824	1889	1993
LICENSING ASSISTANT	1342	1392	1438	1488	1537	1589	1675
LICENSING INSPECTOR	1563	1629	1690	1759	1824	1889	1993
LICENSING INVESTIGATOR I	1563	1629	1690	1759	1824	1889	1993
LICENSING INVESTIGATOR II	1800	1879	1957	2044	2123	2204	2331
LICENSING INVESTIGATOR III	1872	1958	2045	2130	2218	2300	2432
LICENSING INVESTIGATOR IV	2066	2164	2263	2357	2456	2554	2706
LIQUOR CONTROL SPECIAL AGENT I	1710	1781	1860	1931	2008	2082	2204
MOTOR CARRIER ENFORCEMENT OFFICER I	1710	1781	1860	1931	2008	2082	2204
MOTOR CARRIER ENFORCEMENT OFFICER II	1967	2059	2153	2243	2336	2432	2575
MOTORIST ASSISTANCE SPECIALIST	1350	1397	1445	1495	1544	1594	1680
PERSONAL PROPERTY WAREHOUSE EXAMINER	1563	1629	1690	1759	1824	1889	1993
PLANT & PESTICIDE SPECIALIST I	1872	1958	2045	2130	2218	2300	2432
PLANT & PESTICIDE SPECIALIST II	2066	2164	2263	2357	2456	2554	2706
PLUMBING INSPECTOR	2183	2289	2395	2503	2607	2710	2871
POLICE OFFICER I	1872	1958	2045	2130	2218	2300	2432
POLICE OFFICER II	2066	2164	2263	2357	2456	2554	2706
POLYGRAPH EXAMINER I	2066	2164	2263	2357	2456	2554	2706
POLYGRAPH EXAMINER II	2293	2410	2524	2637	2753	2869	3042
POLYGRAPH EXAMINER III	1560	2690	2824	2956	3085	3217	3416
PRODUCTS & STANDARDS INSPECTOR	1637	1707	1773	1845	1917	1986	2097
SECURITY OFFICER	1563	1629	1690	1759	1824	1889	1993
SECURITY OFFICER SERGEANT	1637	1707	1773	1845	1917	1986	2097
SEED ANALYST I	1563	1629	1690	1759	1824	1889	1993
SEED ANALYST II	1637	1707	1773	1845	1917	1986	2097
SITE SECURITY OFFICER	1392	1441	1493	1547	1601	1655	1744
TRUCK WEIGHING INSPECTOR	1421	1471	1522	1576	1630	1685	1773
VEHICLE EMISSIONS COMPLIANCE OFFICER	1646	1715	1781	1854	1922	1993	2105
VEHICLE TESTING COMPLIANCE OFFICER	1872	1958	2045	2130	2218	2300	2432
VEHICLE TESTING STATION INSPECTOR	1637	1707	1773	1845	1917	1986	2097
VITAL RECORDS QUALITY CONTROL INSPECTOR	1637	1707	1773	1845	1917	1986	2097

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

WAREHOUSE CLAIMS SPECIALIST	2293	2410	2524	2637	2753	2869	3042
WAREHOUSE EXAMINER I	1637	1707	1773	1845	1917	1986	2097
WAREHOUSE EXAMINER II	1872	1958	2045	2130	2218	2300	2432
WAREHOUSE EXAMINER III	2066	2164	2263	2357	2456	2554	2706
WELL INSPECTOR I	1800	1879	1957	2044	2123	2204	2331
WELL INSPECTOR II	2072	2170	2271	2366	2462	2562	2715
LONGEVITY BONUS RATES							
	10 YRS	15 YRS	17.5 YRS	20 YRS	25 YRS	25 YRS	25 YRS
*CONSERVATION POLICE OFFICER I	2,929	3,075	3,228	3,391	3,559	3,559	3,559
*CONSERVATION POLICE OFFICER II	3,017	3,163	3,316	3,480	3,647	3,647	3,647
Effective: September 1, 1989							
	1	2	3	4	5	6	7
COMMERCE COMMISSION POLICE OFFICER II	2069	2167	2268	2363	2459	2559	2712
*CONSERVATION POLICE OFFICER II	2180	2286	2392	2500	2604	2707	2868
DRUG COMPLIANCE INVESTIGATOR	2180	2286	2392	2500	2604	2707	2868
LICENSING INVESTIGATOR II	1797	1876	1954	2041	2120	2201	2328
MOTORIST ASSISTANCE SPECIALIST	1347	1394	1442	1492	1541	1591	1677
PLUMBING INSPECTOR	2180	2286	2392	2500	2604	2707	2868
WELL INSPECTOR I	1797	1876	1954	2041	2120	2201	2328
WELL INSPECTOR II	2069	2167	2268	2363	2459	2559	2712
LONGEVITY BONUS RATES							
	10 YRS	15 YRS	17.5 YRS	20 YRS	25 YRS	25 YRS	25 YRS
*CONSERVATION POLICE OFFICER II	3,014	3,160	3,313	3,477	3,647	3,647	3,647
Effective March 16, 1990							
	1	2	3	4	5	6	7
DRUG COMPLIANCE INVESTIGATOR	2711	2852	2992	3132	3277	3414	3626
Effective: July 1, 1990							
	1	2	3	4	5	6	7
AGRICULTURAL PRODUCTS PROMOTER	1717	1789	1858	1934	2005	2080	2197
ANIMAL & ANIMAL PRODUCTS INVESTIGATOR	1878	1960	2042	2133	2215	2300	2433
ANIMAL HEALTH INSPECTOR	1717	1789	1858	1934	2005	2080	2197
ANIMAL WELFARE INSPECTOR	1717	1789	1858	1934	2005	2080	2197
APIARY INSPECTOR	1274	1318	1360	1399	1445	1486	1562

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

ARSON INVESTIGATOR I	2060	2156	2255	2348	2446	2544	2695
ARSON INVESTIGATOR II	2278	2389	2500	2613	2721	2829	2997
BREATH ALCOHOL ANALYSIS TECHNICIAN	1961	2053	2141	2229	2321	2408	2551
CONFERENCE COMM. POLICE OFFICER I	2060	2156	2255	2348	2446	2544	2695
CONFERENCE COMM. POLICE OFFICER II	2278	2389	2500	2613	2721	2829	2997
COMMODITIES INSPECTOR	1571	1638	1698	1763	1825	1891	1995
CONSERVATION POLICE OFFICER I*	2162	2265	2370	2469	2570	2674	2834
CONSERVATION POLICE OFFICER II*	2278	2389	2500	2613	2721	2829	2997
DAZING DRUGS COMPLIANCE OFFICER I	1791	1867	1947	2025	2103	2183	2307
DAZING DRUGS COMPLIANCE OFFICER II	1961	2053	2141	2229	2321	2408	2551
DAZING DRUGS COMPLIANCE OFFICER III	2060	2156	2255	2348	2446	2544	2695
DRUG COMPLIANCE INVESTIGATOR	2278--2389--2500--2613--2721--2829--2997	2389	2500	2613	2721	2829	2997
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR I	2833	2980	3127	3273	3424	3568	3789
ENVIRONMENTAL PROTECTION LEGAL INVESTIGATOR II	1571	1638	1698	1763	1825	1891	1995
EXPLOSIVES INSPECTOR	1717	1789	1858	1934	2005	2080	2197
FINGERPRINT TECHNICIAN I	1457	1512	1566	1625	1678	1735	1827
FINGERPRINT TECHNICIAN II	1571	1638	1698	1763	1825	1891	1995
FINGERPRINT TECHNICIAN III	1717	1789	1858	1934	2005	2080	2197
FIRE INVESTIGATOR I	1791	1867	1947	2025	2103	2183	2307
FIRE INVESTIGATOR II	1961	2053	2141	2229	2321	2408	2551
FIRE PREVENTION EDUCATION OFFICER I	1791	1867	1947	2025	2103	2183	2307
FIRE PREVENTION EDUCATION OFFICER II	1961	2053	2141	2229	2321	2408	2551
FIRE PREVENTION INSPECTOR I	1791	1867	1947	2025	2103	2183	2307
FIRE PREVENTION INSPECTOR II	1961	2053	2141	2229	2321	2408	2551
GRAIN INSPECTOR	1457	1512	1566	1625	1678	1735	1827
GUARD I	1318	1362	1407	1452	1495	1539	1616
GUARD II	1457	1512	1566	1625	1678	1735	1827
GUARD III	1639	1708	1771	1843	1911	1977	2087
LICENSING ASSISTANT	1408	1457	1507	1559	1610	1663	1752
LICENSING INSPECTOR	1639	1708	1771	1843	1911	1977	2087
LICENSING INVESTIGATOR I	1639	1708	1771	1843	1911	1977	2087
LICENSING INVESTIGATOR II	1878	1960	2042	2133	2215	2300	2433
LICENSING INVESTIGATOR III	1961	2053	2141	2229	2321	2408	2551
LICENSING INVESTIGATOR IV	2162	2265	2370	2469	2570	2674	2834
LIQUOR CONTROL SPECIAL AGENT I	1791	1867	1947	2025	2103	2183	2307

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

MOTOR CARRIER ENFORCEMENT OFFICER I	1791	1867	1947	2025	2103	2183	2307
MOTOR CARRIER ENFORCEMENT OFFICER II	2060	2156	2255	2348	2446	2544	2695
MOTORIST ASSISTANCE SPECIALIST PERSONAL PROPERTY WAREHOUSE EXAMINER	1408	1457	1507	1559	1610	1663	1752
PLANT & PESTICIDE SPECIALIST I	1639	1708	1771	1843	1911	1977	2087
PLANT & PESTICIDE SPECIALIST II	1961	2053	2141	2229	2321	2408	2551
PLUMBING INSPECTOR	2162	2265	2370	2469	2570	2674	2834
POLICE OFFICER I	2278	2389	2500	2613	2721	2829	2997
POLICE OFFICER II	2060	2156	2255	2348	2446	2544	2695
POLYGRAPH EXAMINER I	2278	2389	2500	2613	2721	2829	2997
POLYGRAPH EXAMINER II	2538	2665	2790	2923	3049	3174	3369
POLYGRAPH EXAMINER III	2833	2980	3127	3273	3424	3568	3789
PRODUCTS & STANDARDS INSPECTOR	1717	1789	1858	1934	2005	2080	2197
SECURITY OFFICER	1717	1789	1858	1934	2005	2080	2197
SECURITY OFFICER SERGEANT	1791	1867	1947	2025	2103	2183	2307
SEED ANALYST I	1639	1708	1771	1843	1911	1977	2087
SEED ANALYST II	1717	1789	1858	1934	2005	2080	2197
SITE SECURITY OFFICER	1457	1512	1566	1625	1678	1735	1827
TRUCK WEIGHING INSPECTOR	1512	1569	1630	1688	1751	1812	1905
VEHICLE EMISSIONS COMPLIANCE OFFICER	1717	1789	1858	1934	2005	2080	2197
VEHICLE TESTING COMPLIANCE OFFICER	1961	2053	2141	2229	2321	2408	2551
VEHICLE TESTING STATION INSPECTOR	1717	1789	1858	1934	2005	2080	2197
VITAL RECORDS QUALITY CONTROL INSPECTOR	1717	1789	1858	1934	2005	2080	2197
WAREHOUSE CLAIMS SPECIALIST	2402	2524	2643	2764	2881	3002	3184
WAREHOUSE EXAMINER I	1717	1789	1858	1934	2005	2080	2197
WAREHOUSE EXAMINER II	1961	2053	2141	2229	2321	2408	2551
WAREHOUSE EXAMINER III	2162	2265	2370	2469	2570	2674	2834
WELL INSPECTOR I	1878	1960	2042	2133	2215	2300	2433
WELL INSPECTOR II	2162	2265	2370	2469	2570	2674	2834

LONGEVITY BONUS RATES

	10 YRS	15 YRS	17.5 YRS	20 YRS	25 YRS
*CONSERVATION POLICE OFFICER I	3,064	3,216	3,376	3,547	3,722
*CONSERVATION POLICE OFFICER II	3,150	3,302	3,462	3,633	3,811

(Source: Amended at 14 Ill. Reg. _____, effective _____)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Claimant's Active Search For Work

2) Code Citation: 56 Ill. Adm. Code 2865

3) Section Numbers:

2865.1
2865.100
2865.105
2865.110
2865.115
2865.120
2865.125
2865.130
2865.135
2865.140
2865.205
2865.210
2865.215

Proposed Action:

New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 409, 420, 610 and 611.

5) A Complete Description of the Subjects and Issues Involved:
New Sections in Subpart B provide the Department's substantive interpretation of Section 500 of the Act as it refers to the requirements that an individual be able to work, available for work and actively seeking work for each week for which benefits are claimed in order to be eligible for the payment of benefits. Sections 2865.100 and 2865.125 through 2865.140 are substantively unchanged and have simply been moved to this Part from Part 2720.

New subpart C provides the Department's substantive interpretation of some of the eligibility requirements for the receipt of extended benefits under Section 409 of the Act.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives? Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Stella Adams Cuthbert, Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 15, 1990.

Types of small businesses affected: Any business which wishes to contest an individual's eligibility under either Section 409 or Section 500 of the Act.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER f: ELIGIBILITY FOR BENEFITS

PART 2865

CLAIMANT'S AVAILABILITY FOR WORK, ABILITY TO WORK
AND ACTIVE SEARCH FOR WORK

SUBPART A: GENERAL PROVISIONS

Section

2865.1 Definitions
2865.50 Union Registration In Satisfaction Of Active Search Provisions
2865.55 Requirements For Union Local Certification
2865.60 Procedures For Approval As A Certified Union

SUBPART B: REGULAR BENEFITS

2865.100 Work Search Requirements For Regular Unemployment Insurance Benefits
2865.105 Able To Work
2865.110 Available For Work
2865.115 Actively Seeking Work
2865.120 Suitability Of Work - Labor Standards
2865.125 Availability For Part Time Work Only
2865.130 Director's Approval Of Training
2865.135 Availability For Work And Active Search For Work: Attendance At Training Courses
2865.140 Regular Attendance In Approved Training

SUBPART C: EXTENDED BENEFITS

2865.205 Applicability Of Rules For Eligibility For Regular Benefits
2865.210 Systematic And Sustained Search For Work
2865.215 When An Individual's Prospects For Finding Work Shall Be Deemed To Be Good

AUTHORITY: Implementing and authorized by Sections 409, 500, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 409, 420, 610, and 611.

SOURCE: Adopted at 10 Ill. Reg. 11887, effective July 1, 1986; amended at 14 Ill. Reg. _____, effective _____.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

SUBPART A: GENERAL PROVISIONS

Section 2865.1 Definitions

All other terms used in this Part shall have the meaning set forth in definitions, Sections 200 through 247 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 310 through 372), unless the context requires otherwise. Throughout this Part, the use of terms imparting the masculine gender shall also apply to the feminine gender.

"Act" means the Unemployment Insurance Act, as amended (Ill. Rev. Stat. 1989, ch. 48, pars. 300 et seq.).

"Agency" means the Department of Employment Security.

"Claimant" means a person who applies for benefits under the Act.

"Customary occupation" means the work in which the individual was last engaged or the occupation for which he is best qualified by training, experience and education.

"Employing unit" shall have the same meaning as that set forth in Section 204 of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 314).

"Full-time work" is the number of hours a class of workers would customarily work if the employing unit had all of the work it could handle without working overtime. Except where the contrary is provided by a collective bargaining agreement or company policy, full time work is customarily 40 hours per week. For example, 37.5 hours per week is full time work for Illinois state employees because it is so provided by state personnel policy.

"Local office" means the office of the Agency servicing claimants who live in a specific geographical area.

"Regular employing unit" is either the employing unit for which an individual expects to continue working and to work full time if business warrants it, or any employing unit for which the individual worked full time for nine consecutive weeks during the preceding 52 weeks.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

(Source: Added at 14 Ill. Reg. _____, effective _____)

SUBPART B: REGULAR BENEFITSSection 2865.100 Work Search Requirements For Regular Unemployment Insurance Benefits

- a) Unless otherwise instructed, the claimant must establish that he is able to work, available for work and actively seeking work during each week for which he is claiming benefits.

- 1) The claimant must register in person at the Illinois Job Service Office unless otherwise instructed by the local office for one of the following reasons:

- A) The claimant's unemployment is due to a labor dispute at his last employing unit even if the claimant is not involved in the dispute;
- B) The claimant's unemployment is due to temporary lay-off not exceeding four weeks in duration;
- C) The claimant is a member of a labor union whose placement service has been certified by the Agency under this Part;
- D) The claimant is still attached to a regular job but he is only partially employed due to a temporary reduction in his hours;
- E) The Agency determines that, based on local labor market information, registration with the Illinois Job Service would not increase the likelihood of the claimant's return to work.

- 2) The claimant must show that he is conducting a thorough, active and reasonable search for appropriate work on his own by keeping records of what he is doing to find work, including:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENTS

- A) The names and addresses of the employing units contacted and the names of the specific persons contacted, if possible;
- B) The dates, methods and results of the contacts;
- C) The types of work that the claimant has been seeking, including wages and hours requested or desired; and
- D) Any other information regarding his work search efforts.

- b) The claimant must provide the written records required by this Section to the Agency whenever requested, pursuant to Section 2720.115, or in the event of a Claims Adjudicator's interview, an appeal or a hearing in which work search is an issue. Even if the claimant has been denied benefits, he must complete and file the Claim Certification (BIS-653) every two weeks and meet the eligibility requirements of the Act for each week for which he expects payment upon reversal of that denial.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.105 Able To Work

- a) An individual is able to work when he is physically and mentally capable of performing work for which he is otherwise qualified.
- b) The focus is upon the individual's condition, not employers' willingness to hire him.
- 1) Example: An individual is 60 years old, worked as a warehouseman for 40 years and is physically able to continue doing so. Employers' reluctance to hire him, because of his age, does not render him unable to work.
- 2) Example: An individual tests positive for tuberculosis, a contagious disease, and, by law, is not permitted to continue working as a school teacher. He applies for jobs as a school teacher. It is the individual's condition, not

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school districts' unwillingness to hire him, that renders him unable to work.

- 3) Example: The individual has been discharged from numerous jobs because of repeated absenteeism due to habitual alcohol and drug use. When he reports to his local office, he reeks of alcohol and slurs his words. This individual will be determined to be unable to perform any type of work. It is his condition, not an employer's unwillingness to hire him that renders him unable to work.

- c) The focus is upon any work for which the individual is qualified, not limited to his or her usual or most recent job.

Example: An individual, who is 7 months pregnant, quits her job as an assembler because the job is strenuous and requires her to be constantly on her feet. She applies for desk work as a telephone receptionist, a job for which she is qualified. She will be determined to be able to work.

- d) The best evidence that an individual is able to work in a particular occupation is that, despite a physical disability, he has actually performed such work.

Example: An individual has cerebral palsy, which impairs his bodily functions and reduces his work output. However, he has training and experience as a computer operator and has shown that he is capable, within his physical limitations, of performing such work. He will be determined to be able to work.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.110 Available For Work

- a) An individual is available for work - even if he imposes conditions upon the acceptance of work - unless a condition so narrows opportunities that he has no reasonable prospect of securing work.

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b) If domestic circumstances prevent an individual from working during the normal days and hours that exist in his occupation, he is unavailable for work.

- 1) Example: An individual, who was employed as a security guard, has children who require full-time care. The individual is able to obtain child care during evenings only, leaving him free to work nights only. Because there is a labor market for night-shift security guards, he will be determined to be available for work.

- 2) Example: An individual and her husband obtain a divorce, and she is awarded custody of their children. She then quits her job as a hospital respiratory therapist because she is required to work rotating shifts and be on emergency call and because she wishes to spend all nights and weekends with her children. She states that she still applies for work as a respiratory therapist, but has had to eliminate from her list most hospitals because they will not guarantee day-shift work, the only time for which she will arrange child care. She will be determined to be unavailable for work.

- 3) Example: When the individual is laid off from her job as a bank teller, she, in turn, lays off her babysitter, who is not needed so long as the individual is at home. She states that, if she is offered a job, she will rehire her babysitter. Despite the fact that she currently has no babysitter, this individual will be determined to be available for work.

- c) If the individual demands a wage that is unreasonable and, thereby, prices himself out of the labor market, he is unavailable for work. Whether a wage demand is unreasonable is determined by factors including, but not limited to: the individual's prior wages and qualifications, the prevailing wage, labor laws, union agreements, and the length of unemployment; generally, the individual must lower his wage demand the longer he is unemployed.

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1) Example: An individual worked for 25 years as a bookkeeper for a small but prosperous business that was eventually bought out. She last earned \$600 per week. Upon re-entering the labor market, she discovers that her wage demand - inflated by her many years of service - is much greater than that most employers are willing to pay. In the early weeks of unemployment, she may seek work paying \$600 per week, based upon her prior wages and her qualifications. In ensuing weeks, she must lower her wage expectations. As her unemployment approaches 26 weeks (or the time when an "extended benefits" period might begin), she must further lower her wage expectations. If, as time goes by, she adapts her wage expectations to meet market conditions, she will be determined to be available for work.

2) Example: The individual is a union electrician. After 20 weeks of unemployment, he still insists upon the wage he was last paid, which is union scale. He explains that the union has agreements affecting a substantial percentage of the jobs in his locality and, were he to accept a job paying below union scale, he would be disciplined by being denied future job opportunities. His insistence upon union scale is not unreasonable. However, if he is seeking work in another locality, where his union is not active, his wage demand with respect to that locality is unreasonable.

3) Example: The individual worked as a fast food counter clerk, earning \$0.50 above minimum wage. During the first weeks of unemployment, he sought work paying that same wage. For the next few weeks, he sought work paying minimum wage. Even though he has now been unemployed for 25 weeks, he has not reduced his wage expectation any further. This is not unreasonable: to require him to seek work paying less than minimum wage would violate minimum wage laws.

d) If there are no work opportunities that an individual can reach from his home, he is unavailable for work. If the individual unreasonably restricts the distance

or time he will travel to work, he is unavailable for work. Reasonableness is determined by factors including, but not limited to: where work opportunities are located, the customs of workers similarly situated (as to location or occupation), the types and costs of transportation, physical capabilities, and the length of unemployment; generally, an individual is expected to extend the area in which he will seek work the longer he is unemployed. Generally, in metropolitan areas, 1 1/2 hours, each way, is not an unreasonable travel time.

1) Example: An individual owns no car, and there is no public transportation near his home. He used to obtain work through a temporary help service that transported him to clients' job sites. He no longer works as a temporary. He states that he will work for any employer, provided it will furnish transportation to the job. He will be determined to be unavailable for work since the majority of employers do not furnish transportation for their employees.

2) Example: The individual resides in a suburb 30 miles northwest of downtown Chicago. He was last employed as an attorney, working in a small practice in that suburb, where his travel time to work was 10 minutes. In the first weeks of unemployment, he unsuccessfully sought work in his community and neighboring suburbs. Although he has now been unemployed for 2 months, he still does not seek work in downtown Chicago, to which most attorneys commute, because rush hour travel time would be nearly 1 1/2 hours each way. He will be determined to be unavailable for work, because he has not extended the area in which he will seek work, commuting to downtown Chicago is customary for workers in his occupation, and 1 1/2 hours travel time is not unreasonable.

3) Example: Although the individual is mentally retarded, she is capable of working in certain unskilled occupations. At her last job, she swept floors in a local drug store. Her father testifies that she must work within walking distance of home, because, if she rides public transportation, she becomes confused and lost.

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In this case, the individual's restriction upon distance to work is reasonable, provided that work opportunities continue to exist within walking distance of her home, in which case she will be determined to be available for work.

g)

If the individual is self-employed, availability depends upon the nature and extent of that self-employment; whether the individual's investment of time or capital prevents him from accepting other work in the labor market.

e)

If an individual's personal habits are inconsistent with the type of work he or she is seeking, he or she is unavailable for work.

Example: The individual, a punch press operator, was discharged because she would not cut her waist-length hair or wear a hair net or remove oversized rings she wore on her fingers; her hair and rings are considered safety hazards. She states that she is seeking work as a punch press operator, but that she will not work for any employer who requires her to cut her hair or wear a hair net or remove her rings. She will be determined to be unavailable for work.

f)

An individual will not be held unavailable for work on the basis of refusing to consider particular work that he honestly believes would violate sincere religious or moral convictions. However, an individual will be held unavailable if his convictions eliminate virtually all of the labor market.

Example: For many years, an individual was a hot dog vendor, working in sports stadiums on Saturdays and Sundays. The individual states that he will no longer work in the food service industry, nor will he work on Sunday. He explains that he has recently married and that his wife has introduced him to religion. Among the tenets of his religion are strict dietary laws, forbidding even handling of many commonplace foods; also, Sunday is prescribed as a day of rest. If it is determined that his religious convictions are sincere, he will not be held unavailable for work solely on the basis of refusing to consider food service or Sunday work, even though these may have been suitable previously. Still, he must demonstrate that he is available for other types of work at other times.

h)

Whether a seasonal worker is available for work during the off-season is determined by whether there is some prospect of obtaining work in his customary occupation. If there is no prospect of obtaining such work, the individual must seek other work for which he is qualified.

Example: The individual is a golf course maintenance man. The courses at which he works are open from April through October. He has never been employed during the off-season. On his certification form, for weeks in January, he indicates that he is seeking work in the field of lawn care and maintenance, for which there are no prospects of work. He will be determined unavailable for work.

i)

Whenever an individual appears to be imposing a condition upon his acceptance of work, it is essential to establish whether he is merely expressing a preference as opposed to actually imposing a condition.

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Example: The individual last earned \$4.50 per hour, the prevailing wage in her occupation. On a questionnaire, she writes that she will accept \$6 per hour, for similar work. On a claim certification form - applicable to the same weeks as the questionnaire - she lists job contacts, for work paying closer to \$4.50 than \$6. This might indicate that \$6 was a preference, not a condition. Therefore, she will be determined to be available for work.

- i) The best evidence that an individual is "available for work" is that he readily secures work, despite the imposition of a condition.

Example: The individual is laid off from her job in an occupation that ordinarily provides daytime work only. She files a claim for benefits, and, on an initial questionnaire, she writes that she will work nights only, because her child care arrangements have changed. That week, she makes employer contacts for night-shift work. As a result of that work search, she readily secures work beginning the next week. She will be determined to be available for work for the prior week.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.115 Actively Seeking Work

- a) An individual is actively seeking work when he makes an effort that is reasonably calculated to return him to the labor force. Reasonableness is determined by factors including, but not limited to: the individual's physical and mental abilities, his training and experience, the employment opportunities in the area, the length of unemployment, and the nature and number of work search efforts in light of the customary means of obtaining work in the occupation.

- b) An individual is not actively seeking work if he seeks work that is unrealistic in light of his physical or mental limitations.

Example: The individual, seven months pregnant, quit her job as an assembler because it was strenuous and required her to be constantly on her feet. She applies

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for work at a factory, as an assembler, under conditions essentially the same as those of her last job. She will be determined to be not actively seeking work.

- c) The individual is not actively seeking work if he seeks work that is unrealistic in light of his training or experience.

Example: The individual has always wanted to be a real estate agent; this requires a license he does not possess. To the extent that he only seeks work as a real estate agent, he will be determined to be not actively seeking work.

- d) Whether an individual is actively seeking work is determined in part by comparing his occupation with labor market conditions in the locality. In some cases, an application for work can have a continuing effect.

Example: The individual is a waitress, just laid off by one of three restaurants in her community. During her first two weeks of unemployment, she applies for work at the other two restaurants and awaits the results of her efforts. She will be determined to be actively seeking work for that period.

- e) As the period of unemployment lengthens, the individual should intensify his efforts to find work in his usual occupation, or, he should pursue work in another occupation for which he is qualified.

- 1) Example: After being laid off from his job as a parking lot attendant, the individual sought similar work at other parking lots within his community, without success. As time passes, he must seek work outside his community (within reasonable commuting distance).

- 2) Example: Same facts as in example above but, prior to working as a parking lot attendant, the individual worked as a short-order cook. In addition to, or instead of, seeking work as a parking lot attendant, he should seek work as a short-order cook, or other work for which he is qualified; otherwise, he will be determined to be not actively seeking work.

- f) Whether or not the individual is actively seeking work is determined by the quality of his efforts; although the quantity of job contacts should be considered, it is not neces-

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sarily determinative of an active search for work. The methods that the individual uses to contact employers should be examined in light of those customarily used to obtain work in the occupation.

1) Example: The individual seeks work as a retail sales clerk. On a Monday morning, she visits a shopping mall, where she applies for work at seven stores and is rejected by each. For the rest of the week, she makes no effort to find work. This individual will be determined to be not actively seeking work, despite having made seven job contacts in one day.

2) Example: The individual, a cash-flow specialist, last worked for a major corporation, and was directly accountable to the highest corporate officers. After being unemployed for one month, she contacts a friend who works for a company located in Woonsocket, Rhode Island. On Monday, the claimant travels to Woonsocket. On Tuesday, she begins the interviewing process, meeting the manager of human resources. On Wednesday morning, she is interviewed by a budget analyst. That evening, there is a dinner-interview with two vice-presidents, who tell her they will speak with the president, then get back to her the next day or the day after. The claimant stays in Woonsocket until Friday, at which time she is told she will not be offered a job. The claimant will be determined to have been actively seeking work, despite this being her only job contact.

3) Example: The individual states that he is currently seeking work as a day laborer or in food service. He contacts prospective employers by telephone, exclusively. Because, as a practical matter, many day laborer and food service positions are filled by persons making applications in-person, this individual will be determined to be not actively seeking work.

g) The best evidence that an individual is "actively seeking work" is that he readily secures work, based upon his efforts.

Example: The individual last worked as assistant manager of a shoe store. During his first week of unemployment, he prepares a resume and mails 100 copies to retail establishments. The next week, he mails

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another 100 resumes. As a result of his mailings, and no other efforts, he readily obtains work. This individual will be determined to have been actively seeking work during the weeks under review.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.120 Suitability Of Work - Labor Standards

a) An individual must be able to, available for, and actively seeking "suitable" work.

b) Whether work is suitable for the individual is determined by factors including, but not limited to, those set forth in Section 603 of the Act (including its references to labor standards under Section 3304(a)(5) of the Federal Unemployment Tax Act).

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.125 Availability For Part-Time Work Only

The requirement that a claimant should be able and available for full-time work will not be applied to a claimant who can prove by a preponderance of the evidence that for him only part-time work, defined in Section 2720.1, is suitable because:

a) He restricts his availability to part-time work due to:

1) Circumstances which are beyond his own control, such as, the advice of his physician that full-time work would adversely affect his health; or,

2) The kind of work suitable to his skill, training or experience is available only on a part-time basis, and he is not reasonably qualified for available full-time work; and,

b) He is seeking work in an area where a labor market for the part-time work applicable to him and suitable to his skill, training or experience normally exists; and,

c) He has a reasonable possibility of securing that part-time work suitable to his skill, training or experience.

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Example: The claimant is the single parent of a school age child. While otherwise suitable, full-time work exists for a person with his skill, training or experience, the claimant believes that is in the best interest of his child that he be with the child when the child is not in school. This claimant would not be eligible for benefits, for he unduly restricts his availability to part-time work based on a personal preference. The alternative of child care arrangements would allow this claimant to work full-time.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.130 Director's Approval of Training

Section 500C(5) of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 420C(5)) provides that "[A]n individual shall not be deemed unavailable for work or to have failed actively to seek work... with respect to any week, because he is enrolled in and is in regular attendance at a training course approved for him by the Director...." A training course must have been approved under 56 Ill. Adm. Code 2620 or meet the following criteria in order to be approved by the Director:

a) The training course must relate to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable work opportunities in the locality. This means that:

1) The training course must be vocational or provide the individual with skills essential for the performance of work in a specific occupation; and,

Example: The Director will not approve classes designed solely to provide an individual with a high school equivalency diploma since this would not enhance opportunities in a specific occupation. However, the Director shall approve courses of study which include some purely academic courses if such course work is secondary to its vocational aspects.

2) The course must be designed to facilitate the individual's reemployment in a reasonably expeditious manner; however, the Director shall not approve courses of study of more than one year in duration unless such course is approved under 56 Ill. Adm. Code 2620; and,

3) The course must focus on providing the individual with the competency necessary for securing entry level employment in the selected occupation; and

Example: The Director will not approve training for the purpose of allowing an individual to improve his marketability, i.e. a bookkeeper who wishes to become an accountant. If there exists a reasonable job market for bookkeepers in the individual's locality, the Director will not approve training which enhances the claimant's already marketable skills.

4) The course must consist of at least twelve hours per week of instruction from a competent and reliable training agent. This minimum of twelve hours of instruction must include contact between the student and the instructor. Such contact could result from classroom training, laboratory instruction or tutoring.

b) Such training course must be offered by a competent and reliable agency, educational institution or employing unit.

c) In addition to meeting the criteria set forth in subsections (a) and (b), the individual must show that:

1) Work opportunities for which the individual is qualified by training and experience are limited or do not exist in the individual's locality; and,

Example: If the individual is a trained and certified nurse's aide, the Director will not approve training to become registered nurse if reasonable openings exist in the individual's locality for nurse's aides, even if the individual is dissatisfied with her present occupation.

2) The individual has the qualifications and aptitude to complete the course successfully; and,

Example: The Director will not approve a course which requires the ability to read and write in English for an individual who is not fluent in English.

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- 3) The enrollee is not a recipient nor eligible for subsistence payments or similar assistance under any public or private retraining program.

(Source: Added at 14 Ill. Reg. _____, effective _____)

Section 2865.135 Availability For Work And Active Search For Work: Attendance At Training Courses

- a) An individual enrolled and in regular attendance at a training course approved by the Director shall not be required to make an active job search or to be available for work. This exemption applies to individuals applying for both regular and extended benefits.
- b) In addition, an individual shall not be deemed to have been unavailable for work or to have failed actively to seek work for regular or extended benefits purposes with respect to any week because he is in training approved under Section 236(a)(1) of the Federal Training Act of 1974 (19 U.S.C. 2296(a)(1)), as provided at Section 500C(6) of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 420C(6)).
- (Source: Added at 14 Ill. Reg. _____, effective _____)
- Section 2865.140 Regular Attendance In Approved Training
- For the purposes of Section 2865.135, "in regular attendance" means that the individual has attended every scheduled session of the training course approved for him by the Director, and presents an attendance report from a responsible person connected with the training course. If the individual misses any scheduled class session on a particular day, the individual shall be deemed to have failed to meet the requirements of Section 500C of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 420C) with respect to that day.
- Example: An individual in Director approved training is scheduled to attend 2 training sessions daily from Monday through Friday until the course is completed. The individual misses one session on Wednesday because of illness. This individual shall be deemed to have failed to meet the requirements of being "in regular attendance" on Wednesday, and the individual's weekly benefit amount shall be reduced by one-fifth for that week.
- (Source: Added at 14 Ill. Reg. _____, effective _____)

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SUBPART C: EXTENDED BENEFITS

Section 2865.205 Applicability Of Rules For Eligibility For Regular Benefits

Except where inconsistent with Section 409 of the Act (Ill. Rev. Stat., 1989, ch. 48, par. 409) or with this Subpart, all of the provisions of the Act and the rules adopted thereunder shall be applicable to eligibility for extended benefits.

- a) Example: A claim for extended benefits shall be filed in the same manner and in the same location as one would file for regular benefits.
- b) Example: If an individual, who meets all of the other requirements for receipt of extended benefits, is discharged from a job, he would be subject to the ineligibility provisions of Section 602 of the Act (Ill. Rev. Stat., 1989, ch. 48, par. 432) if it is determined that the discharge was for misconduct connected with his work.
- c) Example: An individual demands a wage that is unreasonable. He is unavailable for work pursuant to Section 2865.110(c) of this Part and would, therefore, be subject to the ineligibility provisions of Section 500C of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 420C) since neither is inconsistent with Section 409 of the Act. Therefore, this individual would be ineligible for extended benefits even if he meets the other requirements for receipt of such benefits.

(Source: Added at 14 Ill. Reg. _____, Effective _____)

Section 2865.210 Systematic And Sustained Search For Work

- a) An individual shall be deemed to have made a systematic and sustained search for work if he can present the tangible evidence, described in subsection (b), to the local unemployment office that he was engaged in such an effort to find work during a week of unemployment.
- b) The tangible evidence required by subsection (a) shall consist of, but not be limited to, all of the following:
- 1) A showing that the individual persistently reviewed the newspaper advertisements for work and made an effort to contact the employers placing the advertisements, on

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each working day during every week for which he is applying for extended benefits;

- 2) A showing that the individual actually made significant (at least five per week) personal contacts with prospective employers and applied for work on at least three working days during each week for which he is applying for extended benefits;
 - 3) A showing that he had been frequently contacting his union hall for information regarding work prospects, if applicable; and
 - 4) Registration with the State Job Service.
- c) If the failure to make a showing of sustained and systematic job search on a particular day or days by the means indicated in subsection (b) is due to attending interviews, taking tests and/or physical examinations or commuting from one place to another to search for work or engaging in any other similar undertaking, he shall not be determined to have failed to meet the requirements of subsection (a) for that particular day or days.

(Source: Added at 14 Ill. Reg. _____, Effective _____)

Section 2865.215 When An Individual's Prospects For Finding Work Shall Be Deemed To Be Good

- a) An individual filing for extended benefits who has a definite date to return to work for a former employer or who has a bona fide offer of work to begin within four weeks shall be classified as having good prospects for returning to work in his customary occupation. This means that should this individual refuse an offer of work, such refusal shall be adjudicated pursuant to Section 603 of the Act (Ill. Rev. Stat. 1989, ch. 48, par. 403), and Section 409K(3)(d)(iii) shall not apply to this individual.
- b) Whether an individual's prospects of finding work in his customary occupation are good will be determined at the time that he files his initial claim for extended benefits. However, such classification will be included in any determination of refusal of work under Section 409K(3)(d) of the Act, and at that time, will be subject to review.

Example: An individual files a claim for extended benefits and reports that he will return to his former employer on March 31. He does not return to work for his former employer on March 31 and then refuses an offer of work on April 14. This refusal of work will be adjudicated in accordance with the provisions of Section 409K(3)(d) because the individual's prospects of returning to his customary occupation were not good because he did not return to work for his former employer as scheduled.

c) If the claimant does not start work on the designated date, then his prospects of finding work in his customary occupation will no longer be considered good.

d) The individual must provide the name, address and starting date of employment for any employer whom the individual claims as a basis for having his prospects of finding work in his customary occupation found to be good.

e) An individual can also show that his prospects of finding work in his customary occupation are good by showing that he was recently employed in his customary occupation, that he recently completed training in that occupation or that new opportunities for employment in his customary occupation recently became available.

(Source: Added at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Claims, Adjudication, Appeals and Hearings

2) Code Citation: 56 Ill. Adm. Code 2720

3) Section Numbers:
 2720.125 Repealed Section
 2720.126 Repealed Section
 2720.127 Repealed Section
 2720.128 Repealed Section
 2720.129 Repealed Section

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 702 and 704.

5) A Complete Description of the Subjects and Issues Involved:
 Sections 2720.125 through 2720.129 are being repealed in this Part, which was meant to be the procedural benefit rules, and moved to Part 2865 which includes the substantive rules on Section 500 of the Act.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? Yes.

Section Numbers Proposed Action Illinois Register Citation
 2720.255 Amendment 14 Ill. Reg. 7686
 (May 25, 1990)

10) Statement of Statewide Policy Objectives? Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

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Stella Adams Cuthbert, Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2nd Floor South
 Chicago, IL 60605
 312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 15 1990.

Types of small businesses affected: None.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Repealers begin on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2720

CLAIMS, ADJUDICATION, APPEALS AND HEARINGS

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2720.3	"Week" In Relation To "Benefit Year"
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2720.100	Filing A Claim
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2720.107	Employing Unit Reports For Partial Unemployment
2720.110	Required Second Visit To Local Office
2720.115	Continuing Eligibility Requirements
2720.120	Time For Filing Claim Certification For Continued Benefits
2720.125	Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)
2720.126	Availability For Part Time Work Only (Repealed)
2720.127	Director's Approval Of Training (Repealed)
2720.128	Active Search For Work: Attendance At Training Courses (Repealed)
2720.129	Regular Attendance In Approved Training (Repealed)
2720.130	Employing Unit Protest Of Benefit Payment
2720.132	Required Notice By An Employer Of Separation For Alleged Felony Or Theft Connected With The Work
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2720.150	Applying For Unemployment Insurance Benefits Under Extension Programs
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AUTHORITY: Implementing and authorized by Sections 239, 409, 500, 604, 700, 701, 702, 703, 705, 706, 800, 801, 803, 804, 805, 1000, 1001, 1002, 1004, 1200, 1700, 1701, 2300, 2301, 2302 and 2304 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars.

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349, 409, 420, 450, 451, 452, 453, 455, 456, 470, 471, 473, 474, 474a, 500, 501, 502, 504, 530, 610, 611, 700, 701, 702 and 704.

SOURCE: Adopted at 8 Ill. Reg. 24957, effective January 1, 1985; amended at 10 Ill. Reg. 12620, effective July 7, 1986; amended at 11 Ill. Reg. 14338, effective August 20, 1987; amended at 11 Ill. Reg. 18671, effective October 29, 1987; amended at 12 Ill. Reg. 14660, effective September 6, 1988; emergency amendments at 13 Ill. Reg. 11890, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 18263, effective November 9, 1989; amended at 14 Ill. Reg. _____, effective _____; amended at 14 Ill. Reg. _____, effective _____.

SUBPART B: APPLYING FOR UNEMPLOYMENT INSURANCE BENEFITS

Section 2720.125 Work Search Requirements For Regular Unemployment Insurance Benefits (Repealed)

a) Unless otherwise instructed, the claimant must establish that he is able to work, available for work and actively seeking work during each week for which he is claiming benefits. To demonstrate he is actively seeking work, a claimant must:

- i) Register in person at the Illinois Job Service Office unless otherwise instructed by the local office for one of the following reasons:
 - A) The claimant's unemployment is due to a labor dispute at his last employing unit even if the claimant is not involved in the dispute;
 - B) The claimant's unemployment is due to temporary lay-off not exceeding four weeks in duration;
 - C) The claimant is a member of a labor union whose placement service has been certified by the Agency under 56 Ill. Adm. Code 2865;
 - D) The claimant is still attached to a regular job but he is only partially employed due to a temporary reduction in his hours;

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E) The Agency determines that, based on local market information, registration with the Illinois Job Service would not increase the likelihood of the claimant's return to work.

2) Show that he is conducting a thorough, active and reasonable search for appropriate work on his own by keeping records of what he is doing to find work, including:

- A) The names and addresses of the employing units contacted and the names of the specific persons contacted, if possible;
 - B) The dates, methods and results of the contacts; and,
 - C) The types of work that the claimant has been seeking, including wages and hours requested or desired;
 - D) Any other information regarding his work search efforts.
- b) The claimant must provide the written records required by this Section to the Agency whenever requested, pursuant to Section 2720.115, or in the event of a Claim Adjudicator's interview, an appeal or a hearing in which work search is an issue. Even if the claimant has been denied benefits, he must complete and file the Claim Certification (Bis-653) every two weeks and meet the eligibility requirements of the Act for each week for which he expects payment upon reversal of that denial.
- e) In evaluating the adequacy of the individual's work search, the Agency shall consider:
- 1) The individual's physical and mental abilities;
 - 2) The individual's training and experience;
 - 3) The employment opportunities in the area;
 - 4) The length of the claimant's unemployment;

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- 5) The nature and number of claimant's work-search efforts;
- 6) The customary means of seeking employment in the occupation(s) in which the claimant seeks employment;
- 7) Any other information that would affect the claimant's work-search.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 2720.126 Availability For Part-Time Work Only (Repealed)

The requirement that a claimant should be able and available for full-time work will not be applied to a claimant who can prove by a preponderance of the evidence that for him only part-time work, defined in Section 2720.17, is suitable because:

- a) He restricts his availability to part-time work due to:
- 1) Circumstances which are beyond his own control, such as, the advice of his physician that full-time work would adversely affect his health; or,
- 2) The kind of work suitable to his skill, training or experience is available only on a part-time basis; and he is not reasonably qualified for available full-time work; and,
- b) He is in an area where a labor market for the part-time work applicable to him and suitable to his skill, training or experience normally exists; and,
- c) He has a reasonable possibility of securing that part-time work suitable to his skill, training or experience.

Example:--The claimant is the single parent of a school-age child. While otherwise suitable, full-time work exists for a person with his skill, training or experience, the claimant believes that is in the best interest of his child that he be with the child when the child is not in school. This claimant would not be eligible for benefits, for he unduly restricts

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his availability to part-time work based on a personal preference. The alternative of child care arrangements would allow this claimant to work full-time.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 2720.127 Director's Approval Of Training (Repealed)

Section 504(e)(5) of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 420(e)(5)) provides that "An individual shall not be deemed ineligible for work or to have failed actively to seek work, if with respect to any week, because he is enrolled in and is in regular attendance at a training course approved for him by the Director; A training course must have been approved under 56 Ill. Adm. Code 2620 or meet the following criteria in order to be approved by the Director:

- a) The training course must relate to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable work opportunities in the locality;--This means that:
- 1) The training course must be vocational or provide the individual with skills essential for the performance of work in a specific occupation; and,

EXAMPLE:--The Director will not approve classes designed solely to provide an individual with a high school equivalency diploma since this would not enhance opportunities in a specific occupation. However, the Director shall approve courses of study which include some purely academic courses if such course work is secondary to its vocational aspects.

- 2) The course must be designed to facilitate the individual's reemployment in a reasonably expeditious manner; however, the Director shall not approve courses of study of more than one year in duration unless such course is approved under 56 Ill. Adm. Code 2620; and,

- 3) The course must focus on providing the individual with the competency necessary for securing entry-level employment in the selected occupation; and,

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Example:--The Director will not approve training for the purpose of allowing an individual to improve his marketability, like a bookkeeper who wishes to become an accountant, if there exists a reasonable job market for bookkeepers in the individual's locality.

- 4) The course must consist of at least twelve hours of contact instruction with students from a competent and reliable training agent each week. This instruction could include classroom training, laboratory instruction and tutoring.

- b) Such training course must be offered by a competent and reliable agency, educational institution or employing unit.

- e) In addition to meeting the criteria set forth in subsections (a) and (b), the individual must show that:

- 1) Work opportunities for which the individual is qualified by training and experience are limited or do not exist in the individual's locality; and,

Example:--If the individual is a trained and certified nurse's aide, the Director will not approve registered nurses training for this individual if reasonable openings exist in the individual's locality for nurse's aides, even if the individual is dissatisfied with her present occupation.

- 2) The individual has the qualifications and aptitude to complete the course successfully; and,

Example:--The Director will not approve a course which requires the ability to read and write in English for an individual who is not fluent in English.

- 3) The enrollee is not a recipient nor eligible for subsistence payments or similar assistance under any public or private retraining program.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 2720.128 Active Search For Work: Attendance At Training Courses (Repealed)

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- a) An individual enrolled and in regular attendance at a training course approved by the Director shall not be required to maintain an active job search. This exemption applies to individuals applying for both regular and extended benefits.
- b) In addition, an individual shall not be deemed to have failed actively to seek work for regular or extended benefit purposes with respect to any week because he is in training approved under Section 236(a)(1) of the Federal Training Act of 1974 (19 U.S.C. 2296(a)(1)), as provided at Section 500(e)(6) of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 420(e)(6)).

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

Section 2720.129 Regular Attendance In Approved Training (Repealed)

For the purposes of Section 2720.128, "in regular attendance" means that the individual has attended every scheduled session of the training course approved for him by the Director, and presents an attendance report from a responsible person connected with the training course. If the individual misses any scheduled class session on a particular day, the individual shall be deemed to have failed to meet the requirements of Section 500(e) of the Act (Ill. Rev. Stat. 1985, ch. 48, par. 420(e)) with respect to that day.

Example:--An individual in Director approved training is scheduled to attend 2 training sessions daily from Monday through Friday until the course is completed. The individual misses one session on Wednesday because of illness. This individual shall be deemed to have failed to meet the requirements of being in regular attendance on Wednesday, and the individual's weekly benefit amount shall be reduced by one-fifth for that week.

(Source: Repealed at 14 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Minimum Standards for Individual and Group Medicare Supplement Insurance

2) Code Citation: 50 Ill. Adm. Code 2008

3) Section Numbers:

2008.30 Proposed Action:
Amendment
2008.61 New Section
2008.70 Amendment
2008.80 Amendment
2008.82 Section Repealed, New
Section Added

2008.90 Amendment
2008.100 Amendment
2008.101 New Section
2008.102 New Section
2008.103 New Section
2008.104 New Section
2008.120 Repealed
2008Appendix A Amendment
2008Appendix B Amendment
2008Appendix C Amendment
2008Appendix D Amendment
2008Appendix E Amendment
2008Appendix F Repealed
2008Appendix G Repealed

4) Statutory Authority: Sections 363 and 363(a) of the Illinois Insurance code (Ill. Rev. Stat. 1988 Supp., ch. 73, pars. 975 and 975a).

5) Complete Description of the Subjects and Issues Involved:
The amendments to this rulemaking were necessitated by the repeal of the Medicare Catastrophic Coverage Act of 1988.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does these amendments contain incorporations by reference?
No.

9) Are there any other proposed amendments pending on this Part:
No.

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking? Persons wishing to comment on this proposed rulemaking may do so in writing within 45 days of the publication of this Notice. Send all comments to:

Timothy M. Cena
Staff Attorney
Department of Insurance
100 W. Randolph, Suite 15-100
Chicago, Illinois 60601

12) Initial Regulatory Flexibility Analysis: Not applicable in that the Department has determined that the rulemaking does not effect small business as that term is defined in Section 3.10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1003.10).

The full text of the Proposed Amendments begins on the next page.

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TITLE 50: INSURANCE
 CHAPTER I: DEPARTMENT OF INSURANCE
 SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2008

MINIMUM STANDARDS FOR INDIVIDUAL AND GROUP
 MEDICARE SUPPLEMENT INSURANCE

Section	Authority
2008.10	Purpose
2008.20	Applicability and Scope
2008.30	Definitions
2008.40	Policy Definitions and Terms
2008.50	Prohibited Policy Provisions
2008.60	Benefit Conversion Requirements
2008.61	Minimum Benefit Standards
2008.70	Standards for Claims Payment
2008.71	Loss Ratio Standards
2008.80	Filing Requirements for Out-of-State Group Policies
2008.81	Prohibited Compensation-for-Replacement-with-the
2008.82	Same-Company Permitted Compensation Arrangements
2008.90	Required Disclosure Provisions
2008.100	Requirements for Application Forms and Replacement Coverage
2008.101	Standards for Marketing
2008.102	Appropriateness of Recommended Purchase and Excessive Insurance
2008.103	Reporting of Multiple Policies
2008.104	Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates
2008.110	Severability
2008.120	Effective-Date (Repealed)
APPENDIX A	Policy Checklist
APPENDIX B	Outline of Medicare Supplement Coverage
APPENDIX C	Notice to Applicant Regarding Replacement of Accident-and-Sickness Medicare Supplement Insurance (Response Other Than Direct)
APPENDIX D	Notice to Applicant Regarding Replacement of Accident-and-Sickness Medicare Supplement Insurance (Direct Response)
APPENDIX E	NOTICE ON MEDICARE CHANGES - 1989 1990
APPENDIX-F	NOTICE-ON-MEDICARE-CHANGES---1990 (Repealed)
APPENDIX-G	NOTICE-ON-MEDICARE-CHANGES---1991 (Repealed)

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AUTHORITY: Implementing Sections 363 and 363(a) and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1987 1988 Supp., ch. 73, pars. 975, 975a and 1013, as-amended by P-A-85-1174-effective-August-13,-1988).

SOURCE: Adopted at 6 Ill. Reg. 7115, effective June 1, 1982; adopted at 6 Ill. Reg. 7115, effective January 1, 1983; codified at 7 Ill. Reg. 3474; emergency amendments at 13 Ill. Reg. 586, effective January 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 8520, effective May 23, 1989; amended at Ill. Reg. , effective _____.

Section 2008.30 Applicability and Scope

a) Except as otherwise specifically provided in Sections 2008.80 and 2008.81, this Part shall apply to:

- 1) All Medicare supplement policies and subscriber contracts delivered, issued for delivery, renewed or amended in this State on or after the effective date hereof; and
- 2) All certificates issued under group Medicare supplement policies or subscriber contracts, which policies or contracts have been delivered or issued for delivery in this State.

b) This Part shall not apply to:

- 1) "Accident Only" or "Specified Disease" types of policies (Section 363(1)(b) of the Code), or
- 2) Policies or health care benefit plans, including group conversion policies, provided to Medicare eligible persons, which policies or plans are not marketed or purported or held to be Medicare supplement policies or benefit plans (Section 363(1)(b) of the Code).

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

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Section 2008.61 Benefit Conversion Requirements During Transition

- a) Effective January 1, 1990, no Medicare supplement insurance policy, contract or certificate in force in this State shall contain benefits which duplicate benefits provided by Medicare.
- b) Benefits eliminated by operation of the Medicare Catastrophic Coverage Act of 1988 transition provisions shall be restored.
- c) For Medicare supplement policies subject to the minimum standards adopted by the states pursuant to Medicare Catastrophic Coverage Act of 1988, the minimum benefits shall be:
 - 1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;
 - 2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.
 - 3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;
 - 4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;
 - 5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part A.
 - 6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of

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hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$75].

- 7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

(Source: New Section added at ___ Ill. Reg. ___, effective _____)

Section 2008.70 Minimum Benefit Standards

No insurance policy or subscriber contract may be advertised, solicited or issued for delivery in this State as a Medicare supplement policy which does not meet the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

a) General Standards.

The following standards apply to Medicare supplement policies and are in addition to all other requirements of this Part.

- 1) A Medicare supplement policy may not deny a claim for losses incurred more than six (6) months from the effective date of coverage for a pre-existing condition. The policy may not define a pre-existing condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six (6) months before the effective date of coverage.
- 2) A Medicare supplement policy may not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents;
- 3) A Medicare supplement policy shall provide that benefits designed to cover cost sharing amounts

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under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes;

- 4) A "noncancellable," "guaranteed renewable," or "noncancellable and guaranteed renewable" Medicare supplement policy shall not:

A) provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium, or

B) be cancelled or nonrenewed by the insurer solely on the grounds of deterioration of health; and

- 5) A) Except as authorized by the commissioner of this state, an insurer shall neither cancel nor nonrenew a Medicare supplement policy or certificate for any reason other than nonpayment of premium or material misrepresentation.

B) If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in Subsection (5)(d), the insurer shall offer certificate holders an individual Medicare supplement policy. The insurer shall offer the certificateholder at least the following choices:

- (1) an individual Medicare supplement policy which provides for continuation of the benefits contained in the group policy; and
 - (2) an individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards.
- C) If a membership in a group is terminated, the insurer shall:

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- (1) offer the certificateholder such conversion opportunities as are described in Paragraph (b); or

- (2) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

D) If a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the succeeding insurer shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new group policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

- 6) Termination of a Medicare supplement policy shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period the policy was in force may be predicated upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

b) Minimum Benefit Standards.

- 1) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount.
- 2) Coverage for the daily copayment amount of Medicare Part A eligible expenses for the first 8 days per calendar year incurred for skilled nursing facility care.
- 3) Coverage for the Medicare reasonable cost of the first 3 pints of blood for equivalent quantities of packed red blood cells, as defined under Federal Regulation 42 CFR 409.87(a) (1989) under Medicare Part A unless replaced in accordance with Federal Regulation 42 CFR 409.87(b) (2) (1989).

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4) A) Until January 1, 1990, coverage for 20% of the amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket deductible of \$200 of such expenses and to a maximum benefit of at least \$5,000 per calendar year.

B) Effective January 1, 1990, coverage for the copayment amount (20 percent) of Medicare eligible expenses excluding outpatient prescription drugs under Medicare Part B regardless of hospital confinement up to the maximum out-of-pocket amount for Medicare Part B after the Medicare deductible amount.

5) Effective January 1, 1990, coverage under Medicare Part B for the Medicare reasonable cost of the first 3 pints of blood for equivalent quantities of packed red blood cells, as defined under Federal Regulation 42 CFR 410.161(a)(1989), unless re-placed in accordance with Federal Regulation 42 CFR 409.81(b)(2)(1989).

6) Effective January 1, 1990, coverage for the copayment amount (20 percent) of Medicare eligible expenses for covered home intravenous (IV) therapy drugs (as determined by the Secretary of Health and Human Services) subject to the Medicare outpatient prescription drug deductible amount, if applicable.

7) Effective January 1, 1990, coverage for the copayment amount (20 percent) of Medicare eligible expenses for outpatient drugs used in immunosuppressive therapy, subject to the Medicare outpatient prescription drug deductible, if applicable.

Agency Note:--The percentages bracketed above are intended to mean the copayment amounts; whatever those amounts are. Some of the percentages may vary in future years. In subsection (7), for example, the copayment for drugs used in immunosuppressive therapy during the first year following a covered transplant is 20 percent. During the second and subsequent years following a covered

transplant and during any year following a non-covered transplant, the copayments are:--50% in 1990-50% in 1991;--40% in 1992; and 20% in 1993 and thereafter.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period;

(2) Coverage for either all or none of the Medicare Part A inpatient hospital deductible amount;

(3) Coverage of Part A Medicare eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(4) Upon exhaustion of all Medicare hospital inpatient coverage including the lifetime reserve days, coverage of ninety percent (90%) of all Medicare Part A eligible expenses for hospitalization not covered by Medicare subject to a lifetime maximum benefit of an additional 365 days;

(5) Coverage under Medicare Part A for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations) unless replaced in accordance with federal regulations or already paid for under Part B;

(6) Coverage for the coinsurance amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$75] maximum benefit.

(7) Effective January 1, 1990, coverage under Medicare Part B for the reasonable cost of the first three (3) pints of blood (or equivalent quantities of packed red blood cells, as defined under federal regulations), unless replaced in accordance with federal regulations or already paid for under Part A, subject to the Medicare deductible amount.

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c) Medicare Eligible Expenses.

Medicare eligible expenses shall mean health care expenses of the kinds covered by Medicare, to the extent recognized as reasonable by Medicare. Payment of benefits by insurers for Medicare eligible expenses may be conditioned upon the same or less restrictive payment conditions, including determinations of medical necessity as are applicable to Medicare claims.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 2008.80 Loss Ratio Standards

a) Medicare supplement policies shall return to policyholders in the form of aggregate benefits under the policy, for the entire period for which rates are computed to provide coverage, on the basis of incurred claims experience or incurred health care expenses, as appropriate, and earned premiums for such period and in accordance with accepted actuarial principles and practices:

- 1) At least 75% of the aggregate amount of premiums earned in the case of group policies; and
- 2) At least 60% of the aggregate amount of premiums earned in the case of individual policies and at least 65% of the aggregate amount of premiums earned in the case of sponsored group policies in which coverage is marketed on an individual basis by direct response to eligible individuals in that group only.
- 3) All filings of rates and rating schedules shall demonstrate that actual and expected losses in relation to premiums comply with the requirements of this Section.
- 4) Every entity providing Medicare supplement policies in this State shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by number of years of policy duration demonstrating that it is in compliance with the foregoing

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applicable loss ratio standards and that the period for which the policy is rated is reasonable in accordance with accepted actuarial principles and experience.

b) For the purposes of this Section, policy forms shall be deemed to comply with the loss ratio standards if: for the most recent year, the ratio of the incurred losses to earned premiums for policies or certificates which have been in force for three years or more is greater than or equal to the applicable percentages contained in this Section; and the expected losses in relation to premiums over the entire period for which the policy is rated comply with the requirements of this Section. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three years.

c) As soon as practicable, but no later than sixty (60) days prior to the effective date of Medicare benefit changes required by the Medicare Catastrophic Coverage Act of 1988 (P.L. 100-360), every insurer, health care service plan or other entity providing Medicare supplement insurance or contracts in this state except employers subject to the requirements of Section 421 of the Medicare Catastrophic Coverage Act of 1988, shall file with the Department:

- 1) Appropriate premium adjustments necessary to produce loss ratios as originally anticipated for the applicable policies or contracts. Such supporting documents as necessary to justify the adjustment shall accompany the filing; and
- 2) Every insurer, health care service plan or other entity providing Medicare supplement insurance or benefits to a resident of this State pursuant to Section 363 of the Code shall make such premium adjustments as are necessary to produce an expected loss ratio under such policy or contract as will conform with minimum loss ratio standards for Medicare supplement policies and which are expected to result in a loss ratio at least as great as that originally anticipated in the rates used to produce current premiums by the insurer, health care

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service plan or other entity for such Medicare supplement insurance policies or contracts. No premium adjustment which would modify the loss ratio experience under the policy other than the adjustments described herein should be made with respect to a policy at any time other than upon its renewal date or anniversary date. ~~Premium adjustments shall be in the form of refunds or premium credits and shall be made no later than upon renewal if a credit is given, or within sixty (60) days of the renewal date or anniversary date if a refund is provided to the premium payer. Premium adjustments shall be calculated for the period commencing with Medicare benefit changes.~~

- 3) Any appropriate riders, endorsements or policy forms needed to accomplish the Medicare supplement insurance modifications necessary to eliminate benefit duplications with Medicare. Any such riders, endorsements or policy forms shall provide a clear description of the Medicare supplement benefits provided by the policy or contract.

(Source: Amended at ____ Ill. Reg. ____, effective _____, _____)

Section 2008.82 Prohibited Compensation for Replacement with the Same Company Permitted Compensation Arrangements

~~No entity shall provide compensation to its agents or other producers which is greater than the renewal compensation which would have been paid on an existing policy if the existing policy is replaced by another policy with the same company where the new policy benefits are substantially similar to the benefits under the old policy and the old policy was issued by the same insurer or insurer group (Section 363a(9) of the Code).~~

- A) An insurer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200 percent (200%) of the commission or other compensation paid for selling or servicing the policy or certificate in the second Year or period.

- B) The commission or other compensation provided in subsequent (renewal) years must be the same as that provided in the second year or period and must be provided for a reasonable number of renewal years.

- C) No entity shall provide compensation to its agents or other producers and no agent or producer shall receive compensation greater than the renewal compensation payable by the replacing insurer on renewal policies or certificates if an existing policy or certificate is replaced unless benefits of the new policy or certificate are clearly and substantially greater than the benefits under the replaced policy.

- D) For purposes of this section, "compensation" includes pecuniary or non-pecuniary remuneration of any kind relating to the sale or renewal of the policy or certificate including but not limited to bonuses, gifts, prizes, awards and finders fees.

(Source: Section repealed, new Section added at ____ Ill. Reg. ____, effective _____, _____)

Section 2008.90 Required Disclosure Provisions

a) General Rules

- 1) Medicare supplement policies shall include a renewal, or continuation ~~or nonrenewal~~ provision. The language or specifications of such provision must be consistent with the type of contract to be issued. Such provision shall be appropriately captioned, and shall appear on the first page of the policy, and shall clearly state the duration, where limited, or renewability and the duration of the term of coverage for which the policy is issued and for which it may be renewed.

- 2) Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured or exercises a specifically reserved right under a Medicare supplement policy, or is required to reduce or eliminate benefits to avoid duplication of Medicare benefits, all riders or endorsements added to a Medicare supplement policy after date of issue or at reinstatement or renewal

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which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with an accompanying increase in premium during the policy term must, unless the benefits are required by the minimum standards for Medicare supplement insurance policies, be agreed to in writing signed by the insured, except if the increased benefits or coverage is required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy.

3) A Medicare supplement policy which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary," or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

4) If a Medicare supplement policy contains any limitations with respect to pre-existing conditions, such limitations must appear as a separate paragraph of the policy and be labeled as "Pre-existing Condition Limitations."

5) Medicare supplement policies or certificates, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the policyholder or certificateholder shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded directly to him or her in a timely manner if, after examination of the policy or certificate, the insured person is not satisfied for any reason.

6) Insurers issuing accident and sickness policies, certificates or subscriber contracts which provide hospital or medical expense coverage on an expense incurred or indemnity basis, other than incidental, to a person(s) eligible for Medicare by reason of age shall provide to all applicants a "buyer's guide" approved by the Director of Insurance. Delivery of the "buyer's guide" shall be made

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whether or not such policies, certificates, or subscriber contracts are advertised, solicited or issued as Medicare supplement policies as defined in this regulation. Except in the case of direct response insurers, delivery of the "buyer's guide" shall be made to the applicant at the time of application and acknowledgement of receipt of the "buyer's guide" shall be obtained by the insurer. Direct response insurers shall deliver the "buyer's guide" to the applicant upon request but not later than at the time the policy is delivered.

b) Policy Checklist.

1) In order to determine what policy is appropriate and nonduplicative, a policy checklist must be completed in the presence of the applicant at the point of sale. Copies of the checklist, completed and duly signed are to be provided to the applicant and the company. This requirement does not apply to direct response solicitations.

2) The checklist required by (b)(1) above shall provide substantially the form prescribed in Appendix A.

3) Insurers issuing Medicare supplement policies for delivery in this state shall not issue a Medicare supplement policy unless all information requested in the policy checklist is provided.

c) Notice Requirements

1) As soon as practicable, but no later than thirty (30) days prior to the annual effective date of Medicare benefit changes, every insurer, health care service plan or other entity providing Medicare supplement insurance or benefits to a resident of this State shall notify its policyholders, contract holders and certificate holders of modifications it has made to Medicare supplement insurance policies or contracts. ~~For the years 1989 and 1990, and if prescription drugs are covered in 1991, such notice shall be in the format prescribed in Appendixes E, F and G. In addition, for the~~

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year-1989-and-each-year-thereafter--such-notice shall:

- A) Include a description of revisions to the Medicare program and a description of each modification made to the coverage provided under the Medicare supplement insurance policy or contract.
- B) Inform each covered person as to when any premium adjustment is to be made due to changes in Medicare.
- 2) The notice of benefit modifications and any premium adjustments shall be in outline form and in clear and simple terms so as to facilitate comprehension. This notice shall be plainly printed in no smaller than 11-point type.
- 3) Such notices shall not contain or be accompanied by any solicitation.

d) Outline of Coverage Requirements for Medicare Supplement Policies.

- 1) Insurers issuing Medicare supplement policies for delivery in this state shall provide an outline of coverage to all applicants at the time application is made and, except for direct response policies, shall obtain an acknowledgement of receipt of such outline from the applicant; and
- 2) If a Medicare supplement policy or certificate is issued on a basis which would require revision of the outline of coverage delivered at the time of application, a substitute outline of coverage properly describing the policy or certificate actually issued must accompany such policy or certificate when it is delivered and contain the following statement, in no less than twelve (12) point type, immediately above the company name:

"NOTICE: Read this outline of coverage carefully. It is not identical to the outline of coverage provided upon application and the

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coverage originally applied for has not been issued."

- 3) In addition to the statement required by Section 208.90(d)(2) of this Part, each revised outline of coverage accompanying a policy or certificate issued on a basis other than that originally applied for, must contain the following notice appearing in no less than twelve (12) point type:

WARNING: The (policy or certificate) you have received is not the same as the one for which you made application.

- 4) The outline of coverage provided to applicants pursuant to subsection (d)(2) shall be in the form prescribed in Appendix B.

e) Notice Regarding Policies or Subscriber Contracts Which are Not Medicare Supplement Policies.

In the case wherein a policy, as defined in Section 355(a)(2)(a) of the Code, being sold to a person eligible for Medicare by reason of age provides one or more but not all of the minimum standards for Medicare supplements in Section 363 of the Code, such policy shall provide notice that such policy is not a Medicare supplement and does not meet the minimum benefits standards set for such policies in this State. Such notice shall appear on the first page of the policy, certificate or subscriber contract on the first page of the outline of coverage. Such notice shall be in no less than twelve (12) point type and shall contain the following language:

"THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare review the Medicare Supplement Buyers Guide available from the company."

f) Applications - Notice regarding policies or subscriber contracts which are not Medicare supplement policies.

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In the case wherein an application is used to apply for the type of policy as defined in Section 208.90(e) of this Part, such application shall provide notice that the policy being applied for is not a "Medicare Supplement" and does not meet the minimum benefits standards set forth for such policies in this State. Such notice shall be in no less than twelve (12) point type and shall contain the following language:

"THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) WHICH YOU HAVE APPLIED FOR IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Medicare Supplement Buyers Guide available from the company."

g) Filing Requirements for Advertising

- 1) Every insurer, health care service plan or other entity providing Medicare supplement insurance or benefits in this State shall provide a copy of any Medicare supplement advertisement intended for use in this State whether through written, radio or television medium to the Director of Insurance of this State for review by the Director to the extent it may be required under state law.
- 2) Notice regarding policies or subscriber contracts which are not Medicare supplement policies.

In the case wherein any advertising as defined in Section 202.40 of 50 Ill. Adm. Code 2002 (Advertising of Accident and Sickness Insurance) is used to solicit the type of policy as defined in Section 208.90(e) of this Part, such advertising shall provide notice that the policy being advertised is not a Medicare supplement and does not meet the minimum benefits standards set forth for such policies in this State. Such notice shall be prominently disclosed within the text of the advertisement. Such notice shall be in no less than twelve (12) point type and shall contain the following language:

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"THIS (POLICY, CERTIFICATE OR SUBSCRIBER CONTRACT) IS NOT A MEDICARE SUPPLEMENT (POLICY OR CERTIFICATE). IT DOES NOT FULLY SUPPLEMENT YOUR FEDERAL MEDICARE HEALTH INSURANCE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the company."

(Source: Amended at ___ Ill. Reg. ___, effective ___)

Section 208.100 Requirements for Application Forms and Replacement Coverage

- a) Application forms shall include a the following questions designed to elicit information as to whether, as of the date of the application, the applicant has another Medicare supplement insurance policy or certificate in force or whether a Medicare supplement policy or certificate is intended to replace any other accident and sickness policy or certificate presently in force. A supplementary application or other form to be signed by the applicant and agent, except where the coverage is sold without an agent, containing such a questions may be used.
 - 1) Do you have another Medicare supplement insurance policy or certificate in force (including health care service contract, health maintenance organization contract)?
 - 2) Did you have another Medicare supplement policy or certificate in force during the last twelve (12) months?
 - A) If so, with which company?
 - B) If that policy lapsed, when did it lapse?
 - 3) Are you covered by Medicaid?
 - 4) Do you intend to replace any of your medical or health insurance coverage with this policy [certificate]?

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b) Agents shall list any other health insurance policies they have sold to the applicant.

- 1) List policies sold which are still in force.
- 2) List policies sold in the past five (5) years which are no longer in force.

c) Upon determining that a sale will involve replacement, an insurer, other than a direct response insurer, or its agent, shall furnish the applicant, prior to issuance or delivery of the Medicare supplement policy or certificate, a notice regarding replacement of accident and sickness coverage. One copy of such notice signed by the applicant and the agent, except where the coverage is sold without an agent, shall be provided to the applicant and an additional signed copy signed by the agent shall be retained by the insurer. A direct response insurer shall deliver to the applicant at the time of the issuance of the policy the notice regarding replacement of accident and sickness coverage in the form prescribed in Appendix D. In no event, however, will such a notice be required in the solicitation of "accident-only" and "single-premium nonrenewable" policies.

d) The notice required by Subsection B C above for an insurer, other than a direct response insurer, shall be provided in substantially the following form prescribed in Appendix C.

(Source: Amended at ____ Ill. Reg. ____, effective _____, _____)

Section 208.101 Standards for Marketing

a) Every insurer marketing Medicare supplement insurance coverage in this State, directly or through its producers, shall:

- 1) Establish marketing procedures to assure that any comparison of policies by its agents or other producers will be fair and accurate.
- 2) Establish marketing procedures to assure excessive insurance is not sold or issued.

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3) Establish marketing procedures which set forth a mechanism or formula for determining whether a replacement policy or certificate contains benefits clearly and substantially greater than the benefits under the replaced policy for purposes of triggering first year commissions as authorized in Section 208.82 of this Part.

4) Display prominently by type, stamp or other appropriate means, on the first page of the outline of coverage and policy the following:

"Notice to buyer: This policy may not cover all of the costs associated with medical care incurred by the buyer during the period of coverage. The buyer is advised to review carefully all policy limitations."

5) Inquire and otherwise make every reasonable effort to identify whether a prospective applicant or enrollee for Medicare supplement insurance already has accident and sickness insurance and the types and amounts of any such insurance.

6) Every insurer or entity marketing Medicare supplement insurance shall establish auditable procedures for verifying compliance with this Subsection A.

b) The following acts and practices are prohibited:

- 1) Twisting. Knowingly making any misleading representation or incomplete or fraudulent comparison of any insurance policies or insurers for the purpose of inducing, or tending to induce, any person to lapse, forfeit, surrender, terminate, retain, pledge, assign, borrow on, or convert any insurance policy or to take out a policy of insurance with another insurer.
- 2) High pressure tactics. Employing any method of marketing having the effect of or tending to induce the purchase of insurance through force, threat, threat, whether explicit or implied, or undue pressure to purchase or recommend the purchase of insurance.

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- 3) Cold lead advertising. Making use directly or indirectly of any method of marketing which fails to disclose in a conspicuous manner that a purpose of the method of marketing is solicitation of insurance and that contact will be made by an insurance agent or insurance company.

(Source) New Section added at ___ Ill. Reg. ___, effective ___, ___, ___,

Section 2008.102 Appropriateness of Recommended Purchase and Excessive Insurance

- a) In recommending the purchase or replacement of any Medicare supplement policy or certificate an agent shall make reasonable efforts to determine the appropriateness of a recommended purchase or replacement.
- b) Any sale of Medicare supplement coverage which will provide an individual more than one Medicare supplement policy or certificate is prohibited; provided, however, that additional Medicare supplement coverage may be sold if, when combined with that individual's health coverage already in force, it would insure no more than 100% of the individual's actual medical expenses covered under the combined policies.

(Source: New Section added at ___ Ill. Reg. ___, effective ___, ___, ___,

Section 2008.103 Reporting of Multiple Policies

- a) On or before March 1, every insurer or other entity providing Medicare supplement insurance coverage in this State shall report the following information for every individual resident of this State for which the insurer or entity has in force more than one Medicare supplement insurance policy or certificate:

1) Policy and certificate number, and

2) Date of issuance.

- b) The items set forth above must be grouped by individual policyholder.

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(Source: New Section added at ___ Ill. Reg. ___, effective ___, ___, ___,

Section 2008.104 Prohibition Against Preexisting Conditions, Waiting Periods, Elimination Periods and Probationary Periods in Replacement Policies or Certificates

If a Medicare supplement policy or certificate replaces another Medicare supplement policy or certificate, the replacing insurer shall waive any time periods applicable to preexisting conditions, waiting periods, elimination periods and probationary periods in the new Medicare supplement policy for similar benefits to the extent such time was spent under the original policy.

(Source: New Section added at ___ Ill. Reg. ___, effective ___, ___, ___,

Section 2008.120 Effective Date (Repealed)

This regulation shall be effective on June 17, 1982 except with respect to Section 2008.90(e) - Application --- Notice regarding policies of subscriber contracts which are not Medicare supplement policies - of this Part which shall become effective January 17, 1983.

(Source: Repealed at ___ Ill. Reg. ___, effective ___, ___, ___,

Section 2008.APPENDIX A Policy Checklist

Applicant's Name _____

Policy Number _____

Name of Existing Insurer _____

Expiration Date of Existing Insurance _____

SERVICE	BENEFIT	MEDICARE PAYS	EXISTING COVERAGE	SUPPLE- MENT PAYS	YOU PAY
Hospital Inpatient	First 60 Days Unlimited-Number of-Hospital-Days	All But (\$)			

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Calendar-Year	
61st to 90th Day	All But (\$) a Day
91st to 150th Day (Lifetime Reserve)	(\$) a Day
Beyond 150 Days	Nothing
First-8-Days	All-But (\$---)-a-Day
9th---150th-Day	100%-of-Costs
Beyond-150-Days	Nothing
First 20 Days	100% of Cost
Additional 80 Days	All But (\$) A Day
Beyond 100 Days	Nothing
Physician's Services in hospital, office or home, in-patient and out-patient medical services and supplies at a hospital, physical and speech therapy and ambulance	80% of Medicare Determined allowable charges after (\$) Deductible
Pre-scription Drugs	All-which cannot-be self admini-

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stered
Inpatient
Prescription
Drugs, Only
80% of allowable
charges for
immunosuppressive
drugs during
the first year
following a
covered transplant.

This policy does/does not comply with the minimum standards set forth in Section 363 of the Illinois Insurance Code.

DATE _____ SIGNATURE OF APPLICANT _____
SIGNATURE OF AGENT _____

(Source: Amended at _____ Ill. Reg. _____, effective _____, _____)

Section 2008.APPENDIX B Outline of Medicare Supplement Cover-age
(COMPANY NAME)
OUTLINE OF MEDICARE
SUPPLEMENT COVERAGE
AND PREMIUM INFORMATION

Use this outline to compare benefits and premiums among poli-cies.

- 1) Read Your Policy Carefully -- This outline of coverage provides a very brief description of the important features of your policy. This is not the insurance contract and only the actual policy provisions will control. The policy itself sets forth in detail the rights and obligations of both you and your insurance company. It is, therefore, important that you READ YOUR POLICY CAREFULLY!
- 2) Medicare Supplement Coverage -- Policies of this category are designed to supplement Medicare by covering some hospital, medical and surgical services which are partially covered by Medicare. Coverage is provided for hospital inpatient charges and some physician

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charges, subject to any deductibles and copayment provisions which may be in addition to those provided by Medicare, and subject to other limitations which may be set forth in the policy. The policy does not provide benefits for custodial care such as help in walking, getting in and out of bed, eating, dressing, bathing and taking medicine (delete if such coverage is provided).

3) a) (for agents:)

Neither (insert company's name) nor its agents are connected with Medicare.

b) (for direct response:)

(insert company's name) is not connected with Medicare.

4) (A brief summary of the major benefit gaps in Medicare Parts A & B with a parallel description of supplemental benefits, including dollar amounts and indexed copayments or deductibles, as appropriate, provided by the Medicare supplement coverage in the following order:)

DESCRIPTION

SERVICE	THIS POLICY PAYS	YOU PAY
---------	------------------	---------

PART A

I. Minimum Standards

INPATIENT HOSPITAL SERVICES:

Semi-Private Room & Board

Miscellaneous Hospital Services & Supplies, such as Drugs, X-Rays, Lab Tests & Operating Room

SKILLED-NURSING-FACILITY-CARE

BLOOD

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PARTS-A-6-B

PART B

MEDICAL EXPENSE:

Services of a Physician/
Outpatient Services

Medical Supplies other than
Prescribed Drugs

Blood

Mammography-Screening

Out-of-Pocket-Maximum

Prescription-Drugs

MISCELLANEOUS

Heme-iv-Drug-Therapy
Immunosuppressive Drugs

Respite-Care-Benefits

II. Additional Benefits

PART A

Part A Deductible

Private Rooms

In-Hospital Private Nurses

Skilled Nursing Facility Care

PARTS A & B

Home Health Services

PART B

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Part B Deductible

Medical Charges in Excess of
Medicare Allowable Expenses
(Percentage Paid)

OUT-OF-POCKET MAXIMUMPRESCRIPTION DRUGSMISCELLANEOUSRespite Care Benefits

Expenses Incurred in
Foreign Country

OtherTOTAL PREMIUM

\$ _____

IN ADDITION TO THIS OUTLINE OF COVERAGE, (INSURANCE COMPANY NAME) WILL SEND AN ANNUAL NOTICE TO YOU 30 DAYS PRIOR TO THE EFFECTIVE DATE OF MEDICARE CHANGES WHICH WILL DESCRIBE THESE CHANGES AND THE CHANGES IN YOUR MEDICARE SUPPLEMENT COVERAGE.

** If this policy does not provide for coverage for a benefit listed above, the insurer must state "no coverage" beside that benefit in the first column.

(The order of benefits in this outline of coverage should be adjusted by those states which have adopted additional minimum standards.)

5) The following charts shall accompany the outline of coverage:

65) Statement that the policy does or does not cover the following:

- a) Private duty nursing;
- b) Skilled nursing home care costs (beyond what is covered by Medicare);
- c) Custodial nursing home care costs;

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- d) Intermediate nursing home care costs;
- e) Home health care above number of visits covered by Medicare;
- f) Physician charges (above Medicare's reasonable charges);
- g) Drugs (other than prescription drugs furnished during a hospital or skilled nursing facility stay);
- h) Care received outside the U.S.A.;
- i) Dental care or dentures, checkups, routine immunizations, cosmetic surgery, routine foot care, examinations for the cost of eyeglasses or hearing aids.

76) A description of any policy provisions which exclude, eliminate, restrict, reduce, limit, delay or in any other manner operate to qualify payments of the benefits described in (4) above, including conspicuous statements;

- a) That the chart summarizing Medicare benefits only briefly describes such benefits.
- b) That the Health Care Financing Administration or its Medicare publications should be consulted for further details and limitations.

87) A description of policy provisions respecting renewability or continuation of coverage, including any reservation of rights to change premium.

98) The amount of premium for this policy.

(Source: Amended at _____ Ill. Reg. _____, effective _____, _____)

Section 2008.APPENDIX C Notice to Applicant Regarding Replacement of Accident and Sickness Insurance (Response Other Than Direct)

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Insurance company's name and address

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE

According to (your application) (information you have furnished) you intend to lapse or otherwise terminate existing accident and sickness insurance and replace it with a policy to be issued by (Company Name) Insurance Company. Your new policy provides thirty (30) days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

STATEMENT TO APPLICANT BY AGENT (BROKER OR OTHER REPRESENTATIVE): (Use additional sheets, as necessary.)

I have reviewed your current medical or health insurance coverage. I believe the replacement of insurance involved in this transaction materially improves your position. My conclusion has taken into account the following considerations, which I call to your attention:

- 1) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
- 2) State law provides that your replacement policy or certificate may not contain new pre-existing conditions, waiting periods, elimination periods or probationary periods. The insurer will waive any time periods applicable to pre-existing conditions, waiting periods, elimination periods, or probationary periods in the new policy (or coverage) for similar benefits to the extent such time was spent (depleted) under the original policy.

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- 23) If you are replacing existing Medicare supplement insurance coverage, you may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

(Source: Amended at Ill. Reg. _____, effective _____.)

Section 208. APPENDIX D Notice to Applicant Regarding Replacement of Accident-and-Sickness Medicare Supplement Insurance (Direct Response)

(Insurance company's name and address)

SAVE THIS NOTICE! IT MAY BE IMPORTANT TO YOU IN THE FUTURE.

According to (your application) (information you have furnished) you intend to lapse or otherwise terminate existing accident-and-sickness Medicare supplement insurance and replace it with a policy delivered herewith issued by (Company Name) Insurance Company. Your new policy provides thirty (30) days within which you may decide without cost whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

You should review this new coverage carefully, comparing it with all accident and sickness coverage you now have, and terminate your present policy only if after due consideration, you find that purchase of this Medicare supplement coverage is a wise decision.

- 1) Health conditions which you may presently have (pre-existing conditions) may not be immediately or fully covered under the new policy. This could result in denial or delay of a claim for benefits under the new policy, whereas a similar claim might have been payable under your present policy.
- 2) State law provides that your replacement policy or certificate may not contain new pre-existing conditions, waiting periods, elimination periods or

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	Medicare-New-Part-B Per-Calendar-Year	Medicare-New-Part-B Per-Calendar-Year	New Policy-New -Date	-Effective January 1--1989 New Policy-Old-Pay
Medicare- Part-B Services-and Supplies	60%-of-allowable charges(after-\$75) -deductible)	After-Medicare-Benefits changes-in-January, 1989-as-folows: 60%-of-allowable charges(after-\$75) deductible)-will-an annual-Medicare-Catastrophe limit-is-max.-100%-of allowable-charges-for-the calendar-of-the-calendar-year- the-limit-in-1989-was-\$1300-and will-be-adjusted-as-needed there.		
Prescription Drugs	Inpatient-prescription drugs-only	in-1989-Medicare-covers important-prescription-drugs only		
		Effective-January-1--1989 Per-Calendar-Year 80%-of-allowable-charges-for brand-name-drugs-(N) generic drugs-will-50%-of-allowable charges-for-generic-prescription drugs-After-1989-in-1989) calendar-year-deductible-w met		
		Effective-January-1--1991 Per-Calendar-Year Inpatient-prescription-drugs 50%-of-allowable-charges-for-all similar-outpatient-prescription-drugs after-a-\$500-calculator-deductible is-met-the-deductible-will-change Generic-will-increase-to-60% of-allowable-charges-in-1992 and-to-80%-of-allowable-charges from-1993-on		

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Services	Medicare Benefits	Effective January 1, 1990 Your Coverage Will Pay	Effective January 1, 1989 Your Coverage Pays	Effective January 1, 1990 Your Coverage Will Pay	Effective January 1, 1989 Your Coverage Pays
MEDICARE PART A SERVICES AND SUPPLIES					
Inpatient Hospital Services	Unlimited number of hospital days after \$560 deductible	All but \$592 for first 60 days/ benefit period			
Semi-Private Room & Board		All but \$148 a day for 90th days/ benefit period			
Nursing Services & Supplies such as Drugs, X-Rays, Lab Tests & Operating Room		All but \$296 a day for 91st-150th days for individual chapters to use 60 nonconsecutive lifetime reserve days			
BLOOD					
	Pays all costs except amount of deductible toward to costs for first 3 pints each calendar year. Part A blood deductible reduced to the extent paid under Part B	Pays all costs except nonreplacement fees (blood deductible for first 3 pints in each calendar year)			
SKILLED NURSING FACILITY CARE					
	There is no prior confinement require- ment for this benefit	100% of costs for first 20 days after a 3 day prior hospital confinement/benefit period			
	First 8 days— All but \$25 5/0 a day	All but \$74 00 a day for 21st-100th days/ benefit period			

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SECTION 2008. APPENDIX F. NOTICE ON MEDICARE CHANGES - 1990 (Repeated)

(Company Name)

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDIGARE SUPPLEMENT COVERAGE 1093

Your health care benefits provided by the federal Medicare program will change beginning January 1, 1990. Additional changes will occur in medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by (company name) will change, also. The following outlines briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully.

(A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes including dollar amounts, provided by the Medicare supplement coverage in substantially the following format.)

Services	Medicare Benefits	Your Medicare Supplement Coverage
	Effective January 1, 1990 Medicare Will Pay Per Calendar Year	Year Coverage Now Pays Per Calendar Year

Medicare New Parts
Per Calendar Year

Unlimited number of
hospital days after
Part A deductible
(\$660 deductible)

There is no price
restriction on the
amount for this benefit

First 8 days -
All but \$25-40 a day

9th thru 15th day -
100% of costs

Beyond 150 days -
Nothing

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

100% of allowable charges
after \$75 deductible

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YOUR MEDICARE SUPPLEMENT COVERAGE

Services	Medicare Benefits	Your Medicare Supplement Coverage
	In 1989 Medicare Pays Per Calendar Year	In 1989 Your Coverage Will Pay

9th through 15th day -
100% of costs

Beyond 150 days -
Nothing

80% of allowable charges
after \$75 deductible

80% of allowable charges
after \$75 deductible

80% of allowable charges
after \$75 deductible

80% of allowable charges
after \$75 deductible

80% of allowable charges
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80% of allowable charges
after \$75 deductible

80% of allowable charges
after \$75 deductible

80% of allowable charges
after \$75 deductible

*Expenses that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

ANY ADDITIONAL BENEFITS

(Any other policy benefits not mentioned in this chart should be added to the chart in the order prescribed by the outline of coverage. If there are corresponding Medicare benefits, they should be shown.)

(Describe any coverage provisions changing due to Medicare modifications.)

(Include information about when premium adjustments that may be necessary due to changes in Medicare benefits will be effective.)

THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY) ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION ON YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION. FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY) CONTACT: (COMPANY AND FOR AN INDIVIDUAL POLICY - NAME OF AGENT) (ADDRESS/PHONE NUMBER)

(Source: Amended at _____ Ill. Reg. _____ effective _____)

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*Expenses that you must pay out of pocket and that count toward the Part B Medicare Catastrophic Limit include: the Part B deductible and copayment charges and the Part B blood deductible charges.

ADDITIONAL BENEFITS

*Describe any coverage provisions changing due to Medicare modifications.

(Include information about premium adjustments that may be necessary due to changes in Medicare benefits or when premium changes information will be sent.)

*THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE SUPPLEMENT PROVIDED BY (COMPANY), ONLY BRIEFLY DESCRIBES SUCH BENEFITS. FOR INFORMATION IN YOUR MEDICARE BENEFITS CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING ADMINISTRATION FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT (POLICY CONTRACT NUMBER) OR FOR INDIVIDUAL POLICY NAME OF AGENT, ADDRESS, PHONE NUMBER.

(Source: Repealed at _____ Ill. Reg. _____ effective _____)

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SECTION 2008. APPENDIX G. NOTICE ON MEDICARE CHANGES—1991 (Repealed)

—(Company Name)—

NOTICE ON CHANGES IN MEDICARE AND YOUR MEDICARE SUPPLEMENT COVERAGE—1991

Your health care benefits provided by the Federal Medicare program will change beginning January 1, 1991. Additional changes will occur in medical benefits in following years. The major changes are summarized below. These changes will affect hospital, medical and other services and supplies provided under Medicare. Because of these changes your Medicare supplement coverage provided by (company name) will change, also. The following outline briefly describes the modifications in Medicare and in your Medicare supplement coverage. Please read carefully.

A brief description of the revisions to Medicare Parts A & B with a parallel description of supplemental benefits with subsequent changes, including dollar amounts, provided by the Medicare supplement coverage is substantially the following format:

Services	Medicare Benefits	Year Medicare Supplement Coverage
	Effective January 1, 1991 —Medicare Will Pay— Per Calendar Year	Effective January 1, 1991 —Your Coverage New Rate Per Calendar Year— Per Calendar Year
Medicare Part A Services and Supplies	Unlimited number of hospital days after (\$1) deductible	
Skilled Nursing Facility Care	There is no prior condition require- ment for this benefit. Every 30 days— At least 61—1 to day At least 150th day— 100% of costs Beyond 150 days— Nothing	
Medicare Part B Services and Supplies	80% of allowable charges (after \$25 deductible) unit on annual Medicare catastrophic limit is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1991 is \$1,000 and will be adjusted on an annual basis.	80% of allowable charges (after \$25 deductible) unit on annual Medicare catastrophic limit is met. 100% of allowable charges for the remainder of the calendar year. The limit in 1991 is \$1,000 and will be adjusted on an annual basis.
Prescription Drugs	Any amount prescription drugs above of allowable charges for hospital inpatient drugs and 60% of allowable charges for outpatient prescription drugs. There is a \$600 calendar year deductible for out-	Same as 1990 and 61—1 to day allowable charges for all other outpatient prescription drugs other than \$600 calendar year deductible is met

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~~Expenses that you must pay out of pocket and that count toward the Part B Medicare Catastrophic Limit include:
the Part B deductible and copayment charges and the Part B blood deductible charges.~~

~~(ANY ADDITIONAL BENEFITS)~~

~~(Describe any coverage provisions changing due to Medicare modifications.)~~

~~(Include information about premium adjustments that may be necessary due to changes in Medicare benefits, or
when premium changes information will be sent.)~~

~~THIS CHART SUMMARIZING THE CHANGES IN YOUR MEDICARE BENEFITS AND IN YOUR MEDICARE
SUPPLEMENT PROVIDED BY (COMPANY), ONLY BRIEFLY DESCRIBES SUCH BENEFITS FOR INFORMATION ON
YOUR MEDICARE BENEFITS. CONTACT YOUR SOCIAL SECURITY OFFICE OR THE HEALTH CARE FINANCING
ADMINISTRATION FOR INFORMATION ON YOUR MEDICARE SUPPLEMENT POLICY CONTACT (COMPANY) OR
FOR INDIVIDUAL POLICY NAME OF AGENT, ADDRESS, PHONE NUMBER.~~

(Source: Repealed at _____ Ill. Reg. _____ effective _____)

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1) The Heading of the Part: The Illinois Oil and Gas Act

2) Code Citation: 62 Ill. Adm. Code 240

3) Section Number: Proposed Action:

240.1105	Repeal
240.1110	Repealed and New Section
240.1120	Repealed and New Section
240.1130	Repealed and New Section
240.1140	Repealed and New Section
240.1150	Repealed and New Section
240.1151	New Section
240.1170	Repealed and New Section
240.1180	Repealed and New Section
240.1190	Amended

4) Statutory Authority: Implemented and authorized by Section 6 and 8a of
The Illinois Oil and Gas Act (Ill. Rev. Stat. 1989, Ch. 96 1/2, par.
5409 and 5413)

5) A complete description of the subjects and issues involved:

These proposed rules revise Subpart K, dealing with the plugging of wells, and include temporary abandonment of inactive wells and well and lease site restoration. These proposed rules are part of an ongoing comprehensive review of the Department's rules under The Illinois Oil and Gas Act.

These proposed plugging rules do not affect the rules presently in effect for the plugging of coal seams since the plugging of coal seams is specifically within the jurisdiction of the Mining Board. All provisions of plugging relating to coal seams however, have been consolidated in new Section 240.1151 and will be dealt with under a later rulemaking.

By Section the proposed rules:

1. Repeal Section 240.1105 containing unnecessary and obsolete references to the Mining Board.
2. Delete unnecessary and obsolete references in Section 240.1110, retitle the Section and set forth definitions applicable to plugging.
3. Delete the present definition of abandonment in Section 240.1120, retitle the Section and set forth requirements for plugging uncased wells.

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4. Delete the present provisions of Section 240.1130 on notification prior to plugging, retitle the Section and set forth the requirements for the plugging or temporary abandonment of abandoned or inactive wells.
5. Delete the present requirements of Section 240.1140 regarding well logs, retitle the Section and set forth general plugging procedures and requirements.
6. Delete the present specific requirements of Section 240.1150 for plugging wells, retitle the Section and reorganize and update specific plugging requirements.
7. Add new Section 240.1151 which consolidates existing rules regarding the plugging of coal seams. These rules are undergoing further review and will be revised in a future rulemaking.
8. Clarify the requirements of Section 240.1170 regarding well site restoration and delete obsolete and unnecessary references to public nuisance laws and waivers of permittee's obligations.
9. Delete the present provisions of Section 240.1180 relating to extensions of time (which are covered under temporary abandonment in Section 240.1130 of the proposed rules), retitle the Section and set forth lease restoration requirements after all wells on a lease are plugged.
10. Revise existing requirements of Section 240.1190 pertaining to the completion of plugging affidavits.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
240.650	Amend	14 Ill. Reg. 10 (3394)
240.655	New Section	14 Ill. Reg. 10 (3394)
240.1160	Repeal	14 Ill. Reg. 10 (3394)

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact on local units of government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

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Written comments may be submitted within 45 days of the publication of this notice to:

John C. Lynch, General Counsel
Illinois Department of Mines and Minerals
Stratton Office Building, Room 704
Springfield, IL 62706

Commenters must provide a name and address. Comments must be directed to a specific subsection and must be made on a separate sheet of 8 1/2 x 11 inch paper.

Comments may include data, views, arguments or any documents relevant to the proposals noted above in the Description of Subjects and Issues involved. All comments are due at the above address no later than 5:00 p.m. on August 13, 1990. Comments received thereafter will not be considered in this rulemaking.

The Department will hold a public hearing on the proposed rulemaking on July 24, 1990 at 10:00 a.m. at the Ramada Hotel, 222 Potomac Blvd., Mt. Vernon, Illinois. Representatives of small businesses are encouraged to comment above the impact of the proposed rulemaking at this public hearing.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: June 12, 1990
- B) Types of small businesses affected: All well operators employing less than fifty people and having less than four million dollars in annual sales.
- C) Reporting, bookkeeping or other procedures required for compliance: Small businesses are required, where a permittee desires to temporarily abandon a well, to make written application to the Department. In addition, the operator is required to notify the Department prior to plugging a well.
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendments begins on the next page.

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 240

THE ILLINOIS OIL AND GAS ACT

SUBPART A: GENERAL PROVISIONS

Section

240.10	Definitions
240.10	Prevention of Waste (Repealed)
240.20	Jurisdiction (Repealed)
240.30	Enforcement of Act (Repealed)
240.40	Delegation of Authority (Repealed)
240.50	Right of Inspection (Repealed)
240.60	Right of Access (Repealed)
240.70	Sworn Statements (Repealed)
240.80	Additional Reports (Repealed)
240.90	When Rules Become Effective (Repealed)
240.100	Notice of Rules (Repealed)
240.110	Forms (Repealed)
240.120	Hearings--Notices
240.130	Violations Not Requiring Formal Action
240.140	Notice of Violation
240.150	Director's Decision
240.160	Cessation Order
240.170	Enforcement Hearings
240.180	Temporary Relief
240.190	Subpoenas
240.195	

SUBPART B: APPLICATION PROCEDURES AND PERMIT REQUIREMENTS

Section

240.210	General Provisions
240.220	Application for Permit to Drill, Deepen or Convert Well
240.230	Application for Permit for Geological or Structural Test Hole
240.240	Permits for Salt Water Disposal or for Gas, Air, Water, or other Liquid Input Wells
240.250	Permit Requirements in Mine Areas
240.255	Underground Injection and Disposal Projects
240.260	Application for Approval of Enhanced Recovery Projects
240.270	Application for Approval of Enhanced Recovery Injection and Disposal Operations
240.280	Duration of Underground Injection Well Orders

SUBPART C: TRANSFER OF OWNERSHIP AND BONDING

Section

240.305	Transfer of Management
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When Bonds Required--Amount

Kind of Bond--Execution

Bond of Manager

Bond Form--Approval

Surety May Cancel Bond

Mining Board May Cancel Bond

Casing Puller's Bond

Section

240.310	General Spacing Rules
240.410	Secondary Recovery
240.420	Nonconforming Wells to be Plugged
240.430	

SUBPART E: DRILLING AND CASING PROCEDURES

Section

240.510	Rotary Drilling Procedures
240.520	Cable Tool Drilling Rules
240.530	Slush and Mud Pits

SUBPART F: PRODUCTION AND INJECTION WELL OPERATING REQUIREMENTS

Section

240.610	Return of Completion Card
240.620	Well Log to be Filed
240.630	Contents of Well Log
240.640	Collection of Drill Cuttings
240.650	Operating Requirements for Enhanced Recovery Injection and Disposal Wells

240.660	Monitoring and Reporting Requirements for Enhanced Recovery Injection and Disposal Wells
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SUBPART G: WASTE PROHIBITED

Section

240.710	Avoidable Waste of Gas
240.720	Escape of Unburned Gas Prohibited

SUBPART H: PROTECTION OF WORKABLE COAL BEDS

Section

240.805	Introduction
240.810	Workable Coal Beds Defined
240.820	Mining Board may Determine Presence of Coal Seams
240.830	Well Locations Prohibited

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240.840 Notice to Mining Board
 240.850 Casing and Protective Work
 240.860 Operational Requirements Over Active Mine

SUBPART I: GENERAL LEASE OPERATING REQUIREMENTS AND
 AVOIDANCE OF SURFACE POLLUTION

Section
 240.905 Introduction
 240.910 Disposal in Underground Stratum
 240.920 Disposal in Earthen Pits
 240.930 Pipes to be Kept in Repair
 240.940 Burn Off Pits
 240.950 Lease Tank Reservoirs
 240.960 Fire Hazards at Well Locations
 240.970 Mining Board Supervision
 240.980 Yearly Inspection--of Pits--Revocation of Permits--Orders for
 Corrective Action and Other Disposal
 Lease and Well Identification

SUBPART J: VACUUM

Section
 240.1005 Requirements for Use of Vacuum Pumps
 240.1010 Application for Use of Vacuum
 240.1020 Notice and Hearing on Application
 240.1030 Mining Board Authority

SUBPART K: PLUGGING OF WELLS

Section
 240.1105 Plugging of Non-Productive Wells (Repealed)
 240.1110 Mining-Board-Supervision Definitions
 240.1120 When-Well-to-be-Plugged Plugging of Uncased Wells
 240.1130 Prior-Notice-to-Mining--Board-Representatives Plugging or Temporary
 Abandonment of Abandoned or Inactive Wells
 240.1140 Owner-to--Furnish--Well--Log General Plugging Procedures and
 Requirements
 240.1150 Plugging-Methods-and-Procedures Specific Plugging Procedures
 240.1151 Procedures for Plugging Coal Seams
 240.1160 Converting to Water Well
 240.1170 Restoration-of-Surface Well Site Restoration
 240.1180 Extension-of-Time-to-Plug-Well Lease Restoration
 240.1190 Filing Plugging Affidavit

SUBPART L: VALIDITY OF RULES

Section

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240.1200 Severability

SUBPART M: OIL FIELD BRINE HAULING

Section
 240.1310 Authority, Policy and Purpose
 240.1320 Definitions
 240.1330 Oil Field Brine Haulers Permit
 240.1340 Applications for Brine Hauling Permit Shall Include the Following:
 Applications for Oil Field Brine Hauling Permits--Signatures and
 240.1350 Authorization
 Oil Field Brine Hauling Permit Conditions
 240.1360 Inspection of Vehicles
 240.1370 Transfer of Permits
 240.1380 Revocation of Oil Field Brine Hauling Permit
 240.1390 Records and Reporting Requirements
 240.1395 Bonds--Blanket Surety Bond

AUTHORITY: Implementing and authorized by Sections 6 and 8a of "The Illinois
 Oil and Gas Act" (Ill. Rev. Stat. 1989, ch. 96 1/2, pars. 5409 and 5413).

SOURCE: Adopted November 7, 1951; emergency amendment at 6 Ill. Reg. 903,
 effective January 15, 1982, for a maximum of 150 days; amended at 6 Ill. Reg.
 5542, effective April 19, 1982; codified at 8 Ill. Reg. 2475; amended at 11
 Ill. Reg. 2818, effective January 27, 1987; amended at 14 Ill. Reg. 2317,
 effective January 25, 1990; recodified at 14 Ill. Reg. 3053; amended at
 Ill. Reg. _____, effective _____.

(NOTE: Capitalization denotes statutory language.)

SUBPART K: PLUGGING OF WELLS

Section 240.1105 Plugging of Non-Productive Wells (Repealed)

As-provided-by-the--Act,--as-amended,--and-to-prevent--waste--as--therein-defined,--
 any-owner--or-manager-who-owns,--has-drilled,--or-has--acquired--a-nonproductive
 well--drilled-for-oil--or-gas,--or-for-any-other-purpose--in-connection-with-the
 exploration-and--production-of--the-same,--including--unused-input--wells,--salt
 water-disposal-wells,--and-geological-or-structure-test-holes--drilled-below-the
 glacial--drift--shall--be-required--by-the--Mining-Board--to-securely--plug-and
 abandon-such-well--in-the-manner--herein-provided,--except--when-an-extension-of
 time-has-been-granted-by-the-Mining-Board-in-writing.

(Source: Repealed at Ill. Reg. _____, effective _____)

Section 240.1110 Mining-Board-Supervision Definitions

a) The-plugging--and-abandoning-of--wells-and-the-consequent--pulling-of

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easing-or-the-partial-plugging-back-operations-from-one-formation-to another-shall-be-under-the-supervision--of-the-Mining-Board--and-the Mining-Board-Representative---The-Mining-Board-shall-have-authority to-prohibit-the-plugging-of-a--well-when--the-equipment-used--is-not adequate-or-is--insufficient;--in-the-opinion-of-the-Mining-Board;--to perform-the-abandonment-according-to-the-Rules--

b) When-the-easing-in-any-well-is--not-the-property-of-the-person-owning the-well;--the-owner-of--such-casing--is-prohibited-from--pulling-the same-until--he-has-notified--a-Mining-Board-Representative;--and-then shall-securely--plug-such--well-under-the--supervision-of--the-Mining Board-in-the-same-manner-as-the-owner-of-the-well-is-herein-required;

For the purpose of this Subpart the term:

"Cased Well" means a well in which production casing has been set.

"Cement" means a cement with a minimum weight of fifteen and six tenths (15.6) pounds per gallon, unless the cement contains additives which improve the ability of the cement to (provide necessary protection).

"Circulation Method" means placement of cement used in plugging a well by circulating cement through a pipe set at a specified depth in the well.

"Dump Bailer Method" means placement of cement used in plugging a well by using a dump bailer on a wire line.

"Mechanical Plug" means a cast iron bridge plug or drillable or retrievable plug.

"Mud" means a drilling mud with a minimum Marsh Funnel viscosity of forty-five (45) seconds. Mud may contain water (fresh or brine), Bentonite, Attapulgite or other additives if they do not reduce the viscosity below forty-five (45) seconds.

"Uncased Well" means a well in which production casing has not been set.

(Source: Section repealed, new Section adopted at ____ Ill. Reg. _____, effective ____.)

Section 240.1120-When-Well-to-be-Plugged Plugging of Uncased Wells

a) The-owner-or-manager-shall-not--permit-any-well-drilled-for-oil,-gas, salt-water-disposal--or-any--other--purpose-in--connection-with--the production-of-oil-and-gas,-to--remain-unplugged-after-such-well-is-no

tonger-used-or-heid-for-use-for--the-purpose-for-which-it-was-drilled or-converted-

b) Unless-the-operator-of-any-such-well-has-been-granted-an-extension-of time-to-plug-pursuant-to-Section-240.1180--of-this-Subpart--K;--such well-shall-be-plugged-when-and-if:-

1) Drilling-operations-on--a-drilling-well-shall-have--ceased-for-a period-of-30-days-and-no-production-string-has-been-run-

2) Any-well--for-which-operations-have--ceased-for-a-period--of-six months;--provided-however;--in-any-event;--if-the-surface-equipment is-not-in-place-on-such-well;--the-well-shall-be-capped-promptly for-safety-reasons;

a) Any well in which production casing is not set and cemented shall be plugged in accordance with Section 240.1140 of this Part within 30 days after drilling has ceased.

b) If the Department determines, based upon field observation, that the uncased well presents a risk of contamination to the environment, or a risk of fire or public safety hazard due to the leaking of well bore fluids or the escape of flammable or toxic gases, the permittee shall commence plugging the well within twenty four (24) hours after notification by the Department.

(Source: Section repealed, new Section adopted at ____ Ill. Reg. _____, effective ____.)

Section 240.1130-Prior-Notice-to-Mining-Board-Representative Plugging or Temporary Abandonment of Abandoned or Inactive Wells

When-the-owner-or-manager-of--any-inactive,-nonproductive-or-nonoperative-well desires-to-plug-such--well-or-partially-plug-back-to--a-different-formation-or to-withdraw-easing--from-such--well;--he-shall-notify--a-Mining-Board Representative-and;--if-an-active-coal--mine-area;--notify-the-owner-or-operator of-such-coal-mine-at-least-eight-(8)-hours-in-advance-of--the-time-he-expects to-begin--plugging-or--putting-casing;--The--commencement-of--such-operations; including-shooting-off-casing;--is--prohibited-until-an-authorized-Mining-Board Representative-is-present-

a) Any production well which has ceased operation for a period of twenty four (24) months as of or after the effective date of these rules shall be plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.

b) Any permitted injection well without tubing and packer shall be

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plugged in accordance with Section 240.1140 of this Part unless the well has been temporarily abandoned in accordance with subsection (d) below.

- c) All permitted injection wells equipped with tubing and packer shall be tested in accordance with Section 240.655 of this Part or temporarily abandoned in accordance with subsection (d) below.

d) The permittee may request temporary abandonment status by making written application on forms provided by the Department. The Department will place the well on temporary abandonment status if the well meets the following conditions (which shall be continuing requirements):

- 1) The well must have proper bond in effect.
- 2) The well must have an intact wellhead or be capped with a valve, and configured to monitor casing or annular pressure.
- 3) If the well is an injection well, all injection lines must be disconnected at the well.
- 4) The wellhead must be above ground level.

5) The fluid level is no higher than one hundred (100) feet below the base of the fresh water zones as evidenced by an annual fluid level test conducted under the supervision of the Department, using acoustical or wire line measuring methods. The fluid level test must be reported to the Department annually during the period of temporary abandonment.

- 6) If the fluid level, as tested, is higher than one hundred (100) feet below the base of the fresh water zones, the permittee must:

A) set a mechanical bridge plug within 100 feet above the perforated or open hole interval in the cemented portion of the casing and monitor the fluid level annually in accordance with subsection (5) above; or

B) set a mechanical bridge plug within 100 feet above the perforated or open hole interval in the cemented portion of the casing and pressure test the casing by maintaining a pressure of 300 PSIG (which may vary no more than 5%) for a period of 30 minutes; or

- C) install tubing and set a packer above the perforated or open hole interval in the cemented portion of the

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casing and conduct and pass an internal mechanical integrity test in accordance with Section 240.655 of this Part.

- e) Temporary abandonment status shall be granted for a five (5) year period. After the expiration of the five (5) year period, temporary abandonment status will be granted on an annual basis.

f) A temporarily abandoned well shall not be operated until it is reactivated by notifying the Department on a form prescribed by the Department. In addition, if the well is an injection or disposal well, the well cannot be reactivated until tubing and packer is set and an internal mechanical integrity test is passed in accordance with Section 240.655 of this Part.

(Source: Section repealed, new Section adopted at _____ Ill. Reg. _____, effective _____.)

Section 240.1140 Owner-to-Furnish-Well-Log General Plugging Procedures and Requirements

a) Upon arrival of the Mining Board Representative at the site of the well to be plugged or partially plugged back to a different formation, the owner or manager of the well, or his representative, shall make available to the Mining Board Representative a complete log of the well, which shall show the character and depth of all formations encountered in the drilling of such well, particularly showing the depth and thickness of all oil-bearing strata, gas-bearing strata, water-bearing strata, and workable coal beds.

b) When no log is furnished by the owner, the Mining Board may require the well to be filled with cement from bottom to top, or the Mining Board may require it to be plugged in accordance with the knowledge of logs of nearby wells.

- a) Notification of Well Inspector

The permittee must contact the well inspector for the county in which the well is located at least twenty-four (24) hours prior to plugging a cased well, or as soon as possible after determination has been made to plug an uncased well.

- b) Well Drilling and Construction Data

For all cased wells, the permittee must have a well log and the well completion report at the site for review by the well inspector at the scheduled time of plugging. If the permittee cannot locate well logs or the well completion report, the permittee must make available at

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the site copies of any logs and well construction records maintained by the Illinois State Geological Survey. For all uncased wells, all available drilling and well construction information must be at the well site for review by the well inspector at the time of plugging.

c) Foreign Material Prohibited

- 1) Except for an unavoidable loss of drilling or logging tools or producing equipment, placing or lodging any material or substance, other than those authorized to be used in plugging under this Subpart, in an unplugged well to either fill or bridge the hole is prohibited.
- 2) Foreign materials which have been placed in the hole must be removed before plugging operations are commenced.

d) Plugging A Bridged Well

When a well becomes plugged or obstructed because of the loss of drilling or logging tools or producing equipment, which would be impractical to remove, the Department may vary the plugging requirements of this Section and specify alternative plugging requirements. In determining whether to approve and in selecting alternative plugging requirements, the Department will consider the time and cost of removing lost tools or equipment, the potential for damage to fresh water and coal seams and the depth of the lost tools or equipment in relation to the depth of fresh water zones and coal seams, and well construction characteristics.

(Source: Section repealed, new Section adopted at Ill. Reg. _____, effective _____.)

Section 240.1150 Plugging Methods and Procedures Specific Plugging Procedures

a) Generally-

- i) A cement plug to protect the producing formation must be placed opposite the producing formation and extend to a point twenty (20) feet above the top of said producing formation in cases where the history of the well shows that heavy or repeated shots in a sandstone formation, or heavy repeated acidization in a limestone formation, render it probably that a large cavity exists within the producing formation; it is permissible to fill such cavity with sand, crushed rock, or other suitable material approved by the Mining Board in order to provide an anchor on which to place a cement plug not less than twenty (20) feet in length above the top of such producing formation. A cement plug is to be placed below the casing seat of the oil string and

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extend to a point twenty (20) feet above said seat and if there is a liner that is not to be withdrawn, said cement plug shall be placed at the top of the liner and extend to a point twenty (20) feet above.

- 2) No sand, gravel, or other foreign substance shall be mixed in the slurry; however, the use of an admixture of special mud materials may be used, subject to the approval of the Mining Board Representative.

b) Protection of Coal Seams

- i) Each coal seam of thirty (30) inches or more of thickness and lying above the depth of one thousand (1000) feet shall be protected by a cement plug extending one hundred (100) feet above said coal seam to a distance of fifty (50) feet below the same or to the bottom of the hole, whichever is less.
- 2) In wells penetrating an active mine or the worked-out area of a mine or the undeveloped limits of a mine property having workable coal seam or seams, a substantial support shall be provided for each cement plug required for coal seam protection. The supporting plug shall consist of wood or other suitable material having adequate strength and shall be set and tested to determine that settlement or a movement of the cement plug will not take place during the period required for the setting of the cement.

c) Shooting Casing in Rotary Hole-

- i) In wells originally drilled by rotary tools, before any casing is shot off or otherwise parted at a point above the casing shoe, the hole must be filled with properly prepared mud of not less than thirty-eight (38) viscosity, or other suitable material to the point of parting. After the casing is parted and withdrawn, the hole must be completely filled with mud.
- 2) A cement plug twenty-five (25) feet in length shall be placed ten (10) feet below the base of the surface casing and extend to a point of at least fifteen (15) feet above the base of surface casing. The remainder of the hole shall be filled with mud.
- 3) The surface casing shall be cut off three (3) feet below the surface of the ground and a mushroomed cement cap of approximately one (1) foot in thickness shall be placed over the casing so that the top of the mushroomed cap is at least two (2) feet below the surface of the ground. The hole shall then be filled with dirt and the surface of the ground leveled.

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4) In the event that surface casing has not been used, a cement plug shall be placed in the hole three (3) feet below the surface to a depth of twenty-five (25) feet. A mushroomed cement cap of approximately one (1) foot in thickness shall be placed over the top of the hole so that the top of the mushroomed cap is at least two (2) feet below the surface of the ground. The hole shall then be filled with dirt and the surface of the ground leveled.

5) These provisions shall not exclude the placing of cement in the producing formation or opposite workable coal seams as herein provided. The surface casing of such wells shall not be withdrawn.

d) In Wells Drilled With Cable Tools

1) In wells drilled and completed with cable tools the producing formations and all workable coal seams must be protected as heretofore provided. As each string of casing is picked up or parted, it shall be raised one joint, and then approximately one-fourth (1/4) yard of native clay or mud dropped down the casing and allowed to settle below the base of casing.

2) When pulling casing from wells where caving occurs which partially fills the well bore the remainder of the hole shall be plugged as herein provided.

3) In such cases and also in wells where formation or walls of the hole do not cover the hole shall be filled to within twenty-five (25) feet of the surface with native clay or Bentonitic materials.

4) In areas where in the drilling of the well it was necessary to drive pipe for the outside string in order to prevent casing or to protect fresh water horizons or formations, the drive pipe shall be left in place and not removed.

5) Where drive pipe is used it shall be cut off three (3) feet below the surface of the ground and a twenty-five (25) foot cement plug run inside the drive pipe and anchored thereto. The plug shall be placed at a point three (3) feet, where surface casing has been pulled, and cement below the surface to a depth of twenty-five (25) feet.

6) In either event where drive pipe is used or the surface casing has been pulled, a mushroomed cement cap of approximately one (1) foot in thickness shall be placed at a point three (3) feet

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below the surface of the ground and allowed to mushroom until the diameter of the cement plug is at least three (3) times the diameter of the hole drilled, then the hole shall be filled with dirt and the surface of the ground leveled.

e) When Casing Left in Hole

In wells where casing is not removed when wells are abandoned, the plugging operation shall be done in the same manner as provided for abandoning wells where casing is withdrawn.

f) Foreign Material Prohibited

1) No person shall knowingly or purposely place or lodge any foreign material or substance in an unplugged well which will either fill or bridge such hole.

2) When foreign material has been knowingly or purposely placed in the hole the Mining Board may require such material to be removed before plugging operations are commenced.

g) Plugging Bridged Hole

When in normal production or drilling operations the hole becomes plugged or obstructed because of loss of drilling tools or producing equipment which it would be impractical or impossible to remove, special consideration shall be allowed and the well shall be plugged as nearly to the aforementioned requirements as existing circumstances will permit. The exact method of plugging and the equipment used shall be shown on the plugging affidavit.

a) Circulation of Cement

Cement may be circulated from total depth or plugged back total depth to surface in lieu of the placing of plugs specified in subsection (b), (c) and (d) below, provided both the workable coal and the fresh water zones have been protected by cement in direct contact with both strata.

b) Producing Interval Plug (when using the Circulation Method).

1) Cased Wells

A) When using the Circulation Method, a cement plug shall be placed opposite each producing interval and extend fifty (50) feet below the deepest perforated interval, total depth, or plugged back total depth and extend to fifty (50) feet above the shallowest perforated interval or fifty (50) feet above the open hole interval after the removal of casing.

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B) When using the Dump Bailer Method, a mechanical plug shall be set immediately above each producing interval and a minimum of ten (10) feet of cement placed on top of each mechanical plug.

2) Uncased Wells

Wells must be filled with mud before commencement of plugging operations and a cement plug shall be placed opposite any exposed interval which has produced oil or gas or into which injection is occurring within 1/4 mile radius of the well. The cement plug shall extend from 50 feet below the exposed zone to fifty (50) feet above the zone. The cement plug may be placed using either the Circulation or Dump Bailer Method.

c) Coal plugs - A plug shall be placed across each workable coal seam in accordance with Section 240.1151 of this Part.

d) Surface Plug - Surface casing shall not be pulled from any well and a cement plug shall be placed across the fresh water zones using either the circulation or dump bailer method as follows:

1) Cased well

A) If surface casing extends fifty (50) feet below the fresh water zones with cement circulated to the surface, a cement plug shall be placed in direct physical contact with the strata and surface casing from twenty five (25) feet below the setting depth of the casing and extend to the surface. If production casing is left in the hole, cement must also be placed inside of the production casing from twenty five (25) feet below the setting depth of the surface casing and extend to the surface.

B) If surface casing does not extend fifty (50) feet below the base of the fresh water zone, a continuous cement plug shall be placed in direct physical contact with strata from a depth of fifty (50) feet below the base of the fresh water zone to the surface. If production casing is left in the hole, cement must also be placed inside of the production casing from fifty (50) feet below the base of the fresh water zone and extend to the surface.

2) Uncased well - A cement plug shall be placed from a depth of fifty (50) feet below the base of the fresh water zones to the surface.

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e) Plugging Requirements for Wells with Uncemented Casings.

When the Department determines that the plugging procedures set forth in this Section cannot be followed due to well construction and the lack of cement behind the casings, the Department will authorize the following alternative plugging procedures:

1) the casings shall be removed from a point at least fifty (50) feet below the base of the fresh water, the hole filled with mud, and a Surface Plug set in accordance with subsection (d) above;

2) if the casings cannot be removed to a depth at least fifty (50) feet below the base of the fresh water, all casings contained within the outermost casing shall be removed to a depth at least fifty (50) feet below the base of the fresh water, and the outermost casing in direct contact with the borehole wall shall be perforated or ripped at intervals close enough to permit cement to infiltrate the annulus between the casing and the borehole wall. The perforated or ripped interval must be squeezed with cement, the hole filled with mud and a Surface Plug set in accordance with subsection (d) above.

3) if the well cannot retain mud because the producing interval takes fluid, the producing interval shall be covered with sand, crushed rock or other similar material to provide an anchor on which to place the column of mud.

(Source: Section repealed, new Section adopted at ____ Ill. Reg. _____, effective _____.)

Section 240.1151 Procedures for Plugging Coal Seams

a) When the owner or manager of any inactive, nonproductive or nonoperative well in an active coal mine area desires to plug such well or partially plug back to a different formation or to withdraw casing from such well, he shall notify the well inspector for the county in which the well is located and notify the owner or operator of such coal mine at least eight (8) hours in advance of the time he expects to begin plugging or pulling casing. The commencement of such operations, including shooting off casing, is prohibited until an authorized Department Representative is present.

b) Protection of Coal Seams

1) Each coal seam of thirty (30) inches or more of thickness and lying above the depth of one thousand (1000) feet shall be protected by a cement plug extending one hundred (100) feet

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above said coal seam to a distance of fifty (50) feet below the same or to the bottom of the hole, whichever is less.

- 2) In wells penetrating an active mine or the worked out area of a mine or the undeveloped limits of a mine property having workable coal seam or seams, a substantial support shall be provided for each cement plug required for coal seam protection. The supporting plug shall consist of wood or other suitable material having adequate strength and shall be set and tested to determine that settlement or a movement of the cement plug will not take place during the period required for the setting of the cement.

- c) The provisions of this Section are in addition to the plugging requirements of this Subpart.

(Source: Added at Ill. Reg. _____, effective _____.)

Section 240.1170 Restoration-of-Surface Well Site Restoration

- a) Leaving the surface of lands with a part of the operating structure or other equipment intact after abandoning or plugging a well or wells is against public policy and constitutes public nuisances and shall be hereafter prohibited. Whenever any owner or manager shall abandon or plug a well or wells he shall within six (6) months thereafter clear the area around the location of all refuse material, burn waste oil, drain and fill all excavations, remove concrete bases, machinery and materials, and level the surface to leave the site as nearly as possible in the condition encountered when operations were commenced, unless the fee owner of the surface of said land and the owner or manager have entered into a written contract providing otherwise. A copy of this contract shall be filed with the Mining Board for their approval.

- b) When the fee owner of the surface desires to utilize the pits dug in connection therewith the fee owner shall sign and file with the Mining Board a release form furnished by the Mining Board, thereby releasing the owner, manager, or operator from all responsibility and statutory or other requirements for further filling of the pits.

- c) Any person, firm, association, partnership or corporation violating the provisions of this Act shall be subject to penalties of the Public Nuisance Act as set forth in Section 22 of the Criminal Code of the Illinois Revised Statutes.

Within six (6) months after a well is plugged, the well site must be cleared of all drilling and production equipment, waste oil, rock or concrete bases,

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machinery, and oil field debris. Casing shall be cut off at least four (4) feet below the surface of the ground, and a steel plate welded on the casing or a mushroomed cap of cement approximately one (1) foot in thickness shall be placed over the casing so that the top of the cap is at least three (3) feet below ground level. All excavations and pits must be filled and the surface leveled to original grade.

(Source: Section repealed, new Section adopted at Ill. Reg. _____, effective _____.)

Section 240.1180 Extension-of-Time-to-Plug-Well Lease Restoration

- a) Upon written application for an extension of time to defer the plugging and abandonment of any unplugged well, the Mining Board, at its discretion, may grant such extension for a reasonable period of time. When good cause can be shown by the person making the application and providing the casing is all left in the well and is in sound condition, if water was encountered which will flood oil-bearing formations exposed in the open hole, the water-bearing formation below the casing seat shall be plugged off with cement. The top of the casing shall be securely capped.

- b) Requests for an extension of time to plug shall be granted by the Mining Board if the cause shown by the operator shall be for the use of future possible production or other good causes. The extension of time granted by the Mining Board shall and hereby does require the operator to notify the Mining Board of any change in status of the well. Any extension of time to plug shall be on a non-transferable basis.

- c) If no bond covering such well is then in effect, a bond shall be given before the extension is granted, and such bond shall remain in full force and effect until the well is plugged and the other requirements of final abandonment have been completed.

- d) At the expiration of any extension, granted, the well shall be plugged and abandoned if a further extension is denied by the Mining Board.

Within six (6) months after the last well on a lease has been plugged, all excavations and pits must be filled and leveled to original grade. Subject to an existing right of way, tank batteries and other production equipment, rock and concrete pads, oil field debris, injection and flow lines at or above the surface, and electric power lines and poles extending on or above the surface, must be removed. Containment dikes must be removed if constructed with other than soil and leveled to original grade.

(Source: Section repealed, new Section adopted at Ill. Reg. _____,

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effective _____.)

Section 240.1190 Filing Plugging Affidavit

Immediately after the plugging of any well has been accomplished completed, an affidavit shall be executed in duplicate and jointly signed by the owner or manager on a form provided by the Department, by the permittee or his representative and the well inspector Mining--Board--Representative who supervised the plugging operation. The plugging affidavit, in duplicate, on a form furnished by the Mining--Board, shall be filed in the office of the Oil and Gas Division of the Department of Mines and Minerals at Springfield, Illinois.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Standardization of Agriculture Products

2) Code Citation: 8 Ill. Adm. Code 5

3) Section numbers: Adopted Action:

5.220 Repeal

5.230 Repeal

4) Statutory Authority: AN ACT in relation to the inspection and standardization of horticultural, agricultural, apiarian, dairy and other farm products (Ill. Rev. Stat. 1987, ch 5, pars. 93, 97, and 99).

5) Effective Date of Amendments: June 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 15, 1990

9) Notices of Proposal Published in Illinois Register:

March 16, 1990, 14 Ill. Reg. 3711
(issue date)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

A hay, haylage and corn silage quality analysis program was established in 1985 to promote the economic benefits of feeding animals feed rations where the quality factors are known. At that time, the department was also demonstrating a new device for analyzing feed samples to farmers, extension personnel, livestock producers, students enrolled in agricultural education programs and other interested persons who are involved in the production and marketing of animal feeds. The device that was demonstrated was the near infrared reflectance testing unit.

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Because this program was a demonstration and promotion project, only one or two samples could be analyzed per person and minimum charges were established.

This promotional project concluded a little over a year ago. Due to the costs associated with transporting the device around the state, it has been stationed at the animal diagnostic laboratory at Centralia. Persons desiring a quality feed analysis can submit samples to the laboratory. The cost of a feed quality analysis is \$30 and that fee is established in the laboratory fee schedule which appears in the rules at 8 Ill. Adm. Code 110.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Donna Garman

Address: Division of Administrative Services, Illinois
Department of Agriculture, Agriculture Building, State
Fairgrounds, Springfield, Illinois 62794-9281

Telephone: (217) 785-0112

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) The Heading of the Part: Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1710
- 3) Section numbers:

1710.90	<u>Adopted Action:</u>	Repeal
1710.91		Amendments
1710.160		New Section
1710.170		New Section
1710.171		New Section
1710.172		New Section
- 4) Statutory Authority: Implementing Section 18a-100 and authorized by Section 18a-200 of The Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat 1989, ch.95 1/2, par. 18a-100 et seq.).
- 5) Effective Date of Amendment: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: July 1, 1990
- 9) Notice of Proposal Published in Illinois Register:

February 23, 1990, at 14 Ill. Reg. 2721
- 10) Has JCAR issued a Statement of Objections to this amendment? No.
- 11) Difference(s) between proposal and final version: The following language was deleted from Section 1710.90(c): "plus the actual cost of printing". In addition, the following subsection has been added to Section 1710.171:

"(e) When a relocater permanently ceases operation it shall be the responsibility of the relocater to return the originals and copies of any completed tow forms retained in accordance with their Section and the remaining stock of unused forms to the Commission.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

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13) Will this amendment replace an emergency amendment currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of Amendments:
92 Ill. Adm. Code 1710, "Relocation Towing," contains the Commission's rules on the commercial relocation of trespassing vehicles. The Transportation Division is amending Part 1710 to restructure record keeping of individual tows and amend the fees to reflect the new system for the creation and retention of records. It is necessary to increase the total monies generated in order to cover the expenses incurred implementing the Illinois Commercial Relocation of Trespassing Vehicles Law. Specifically, the amendments repeal the current requirement for a relocater to complete a copy of the Commission's relocation tow form for each relocation or tow (Section 1710.90) and replace this with a requirement to acquire forms from the Commission for a fee of \$3.00 per form and to use a form for each relocation (Sections 1710.170 and 1710.171). Under the amendments, public notice must be given of the necessity of supplying the vehicle owner with a copy of the completed tow record form. Section 1710.160 is being amended to reduce the application fee and the renewal fee, eliminate the vehicle fee and the contract filing fee, and to add the per form fee. Section 1710.91 is being updated to provide the correct mailing address.

16) Information and questions regarding this adopted amendment shall be directed to:

Kathy Lynch
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217)785-1018

The full text of the Adopted Amendment begins on the next page:

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1710
RELOCATION TOWING

SUBPART A: MISCELLANEOUS PROVISIONS

Section
1710.10 Definitions

SUBPART B: APPLICATIONS FOR RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.20 Application Forms
1710.21 Notice of Applications
1710.22 Policy on Applications

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.30 Licenses Conditioned Upon Compliance
1710.31 Licenses To Be Carried By Holder
1710.32 Alteration of Licenses
1710.33 Relocator's Endorsement of Operator's License

SUBPART D: PROHIBITED ACTIVITIES

Section
1710.40 Relocating Vehicles From Authorized Spaces
1710.41 Relocating Vehicles From Private Property Without Authorization From Property Owner
1710.42 Relocation of Vehicles Not in Accordance with Proper Posting
1710.43 Relocating Vehicles Where Owner or Driver is Present
1710.44 Operation of Unsafe Vehicles
1710.45 Transacting Business at Unauthorized Locations
1710.46 Posting Signs At Locations Where the Relocator Is Not Authorized To Operate
1710.47 Certain Types of Compensation to Relocators Prohibited
1710.48 Compensation to Property Owners and Others

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SUBPART E: POSTING OF SIGNS

Section
1710.50 Posting Requirements
1710.51 Sign Specifications
1710.52 Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

Section
1710.70 Licenses Conditioned Upon Compliance With Insurance Requirements
1710.71 Proof of Insurance or Bond Coverage
1710.72 Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

Notification of Law Enforcement Agencies
Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Records of Individual Relocation Tows (Repealed)
Written Authorizations to Relocate/Contracts
Maintenance of Books and Records
Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section
1710.100 Filing Requirements

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section
1710.110 Public Information Pamphlets
1710.111 Informal Complaint Form

AUTHORITY: Implementing Section 18a-100 et seq. and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18a-100 et seq. and 18a-200).

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SUBPART L: RECLAIMING RELOCATED VEHICLES

Section
1710.120 Conditions Under Which Vehicles Are To Be Released
1710.121 Identification of Vehicle Owner or Driver
1710.122 Payment of Fees and Charges
1710.123 Hours During Which Vehicles May Be Reclaimed

SUBPART M: STORAGE LOTS

Section
1710.130 Ownership and Identification of Storage Lots
1710.131 Security of Storage Lots
1710.132 Attendance at Storage Lots
1710.133 Maintenance of Records at Storage Lots

SUBPART N: ENFORCEMENT

Section
1710.140 Revocation of Licenses

SUBPART O: LEASING

Section
1710.150 Adoption by Reference of Leasing Requirements
1710.151 Supervision and Control of Leased Equipment with Drivers
1710.152 Leases to be Exclusive

SUBPART P: FEES

Section
1710.160 Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section
1710.170 Relocation Tow Record Form
1710.171 Use and Retention of Relocation Tow Record Forms
1710.172 Public Notice

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SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective May 28, 1979; amended at 7 Ill. Reg. 4142, effective April 1, 1983; codified at 8 Ill. Reg. 8912; Part recodified at 10 Ill. Reg. 18012; old Part repealed and new Part adopted 11 Ill. Reg. 17718, effective October 15, 1987; peremptory amendment at 12 Ill. Reg. 1630, effective December 23, 1987; amended at 14 Ill. Reg. 10310, effective July 1, 1990

NOTE: Capitalization denotes statutory language.

SUBPART I: BOOKS AND RECORDS

Section 1710.90 Records of Individual Relocation Tows (Repealed)

~~Each relocater shall complete a copy of the Commission's Relocation Tow Record form for each relocation or tow-it performs. The form shall not be altered in any way except by the addition of the relocater's name, address, and telephone number.~~

(Source: Repealed at 14 Ill. Reg. 10310, effective July 1, 1990)

Section 1710.91 Written Authorizations to Relocate/Contracts

- a) Each relocater shall maintain a file of all written authorizations to relocate vehicles, and contracts relating thereto.
- b) Each contract between a relocater and one or more property owners, lessees, or agents shall state:
 - 1) The name of the relocater and all other parties to the contract;
 - 2) The location of each property to which the contract applies;
 - 3) A description of all services to be provided by the relocater; and
 - 4) A description of all compensation to be received by the relocater.
- c) Each contract shall also provide that:
 - 1) Signs posted on the property in compliance with this Part are the property of the relocater;

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- 2) The relocater has the right to enter the property for purposes of posting and removing signs; and
- 3) The contract shall not be terminated except on 10 days notice; and
- 4) The contract is the exclusive statement of terms between the parties.

d) The provisions required under subsection (c) shall be implied if not expressly stated in the contract.

e) The provisions of subsections (c)(1) and (c)(2) shall remain in effect until all signs have been removed by the relocater, notwithstanding the termination of the contract for other purposes.

f) Contract Summary.

1) No authorization to tow or contract shall be effective until a completed copy of the Commission's Relocator Contract Summary form covering the authorization or contract has been filed.

2) Only 1 authorization to tow or contract shall be in effect for any lot at any time. No other authorization or contract shall become effective until the prior authorization has been cancelled and notice of cancellation is filed with the Commission.

3) Relocator Contract Summaries and notices of cancellation shall be filed with the Commission at the following address:

Illinois Commerce Commission
Transportation Division
186-N-BeSante-St.
Chicago, IL 60604
188 Industrial Drive, Suite 232
Elmhurst, IL 60126

(Source: Amended at 14 Ill. Reg. 10310, effective July 1, 1990)

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SUBPART P: FEES

Section 1710.160 Fees

a) The following initial fees shall apply:

a) Filing fee for application for
relocator's license \$2,500 \$600

2) Relocator's vehicle fee (payable upon
filing an application for relocator's
license) \$---50

b) Filing fee for application to renew
for the biennial renewal of a
relocator's license \$3,000 \$600

c) Filing fee for application for
operator's employment permit \$ 60

d) Filing fee for application for
dispatcher's employment permit \$ 60

e) Filing fee for application to renew
operator's employment permit \$ 40

f) Filing fee for application to renew
dispatcher's employment permit \$ 40

g) Equipment lease filing fee \$ 200

9) Filing fee for each property (by listed
specific address) listed in contract (s)
or contract summary form -\$---00

b) The fees set out in subsection (a) (9) shall apply to
any contract entered into on or after January 17, 1988.

c) The fees set out in (a) (9) shall be due and payable for
any property upon which a relocator has placed a sign
in conformance with Subpart E, unless proof of a
contract entered into prior to January 17, 1988 can be
established.

(Source: Amended at 14 Ill. Reg. 10310, effective July 1, 1990)

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SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form

a) A Relocation Tow Record form purchased from the
Commission must be completed for each relocation a
relocator performs, whether or not the relocated
vehicle is subsequently reclaimed. The form will
consist of an original and two copies. Each form will
be identified by a serial number, which will also be
printed on the copies.

b) The forms will be available only at the Commission's
office at 188 Industrial Drive, Suite 232, Elmhurst,
Illinois, 60126, (708) 530-6700. The forms may be
ordered from the Commission by sending a written
request specifying the number of forms desired along
with payment, or may be obtained in person during
normal business hours.

c) The price charged for the forms shall be three dollars
(\$3.00) per form.

(Source: Added at 14 Ill. Reg. 10310, effective July 1, 1990)

Section 1710.171 Use and Retention of Relocation Tow Record
Forms

a) The person to whom a relocated vehicle is released must
be issued one copy of the Relocation Tow Record form
completed for that vehicle.

b) Relocators must retain the original and one copy of
each completed Relocation Tow Record form for a period
of three years from the date such forms are issued by
the relocator. The relocator shall also retain the
original and all copies of any spoiled forms or forms
completed for unclaimed vehicles for a period of three
years from the date such forms are spoiled or completed
by the relocator.

c) Upon demand a relocator must produce the original and
copy (or copies) of any Relocation Tow Record form
retained pursuant to this Section. In addition, a
relocator must be able to produce any unused Relocation
Tow Record forms. Failure or inability to produce the
required documents, for any reason, is a violation of
this Section.

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d) Blank or unused forms may not be disposed of or reproduced.

e) When a relocater permanently ceases operation it shall be the responsibility of the relocater to return the originals and copies of any completed tow forms retained in accordance with this Section and the remaining stock of unused forms to the Commission.

(Source: Added at 14 Ill. Reg. 10310, effective July 1, 1990)

Section 1710.172 Public Notice

a) Relocators must post the following notice at all locations at which vehicles may be reclaimed:

Notice: The Illinois Commerce Commission requires that we give a copy of our Relocation Tow Record form to you as a receipt. Please keep your copy for your records.

b) The notice shall be in letters at least one inch high and one-quarter inch wide which shall be printed on a contrasting background. The notice shall be prominently displayed so that it may be easily seen by persons paying the charge for reclaiming their vehicles.

(Source: Added at 14 Ill. Reg. 10310, effective July 1, 1990)

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STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Truants' Alternative and Optional Education Programs
- 2) Code Citation: 23 Ill. Adm. Code 205
- 3) Section Number:

205.30	<u>Adopted Action:</u>
205.40	Amendment
205.40	Amendment
205.50	Amendment
205.55	New Section
205.70	Amendment
205.80	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 2-3.66

5) Effective Date of Amendments: June 19, 1990

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference?

The amendments do not contain an incorporation by reference under Section 6.02(b) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: June 11, 1990

9) Notice of Proposal Published in Illinois Register:

December 8, 1989, 13 Ill. Reg. 18991

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? Yes

If answer is "yes," please complete the following:

A) Statement of Objection: April 20, 1990, 14 Ill. Reg. 5899

B) Agency Response:

C) Date Agency Response Submitted for Approval to JCAR: May 17, 1990

11) Difference(s) between proposal and final version: Section 205.40(b)(10)(E) was amended to state:

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The project will be operated in compliance with all applicable state and federal laws, including but not limited to the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, par. 2301 et seq.), The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 1-1 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par. 1-101 et seq.), the Education of the Handicapped Act (20 U.S.C. 1401 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 2000e et seq.); and the applicant shall submit such reports as may be required.

Section 205.40(b)(10)(g) was amended to cite Ill. Rev. Stat. 1989.

Section 205.70(e) was amended by adding a new fourth sentence to state: "Approval of subcontracts will be subject to the same criteria as are applied to the original project application."

Section 205.70(g) was amended by adding a sentence at the end to state: "Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes?

- 13) Will this amendment replace an emergency amendment currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendments:

Numerous items have been added to Part 205 in order to make the language in these rules more specific as to the requirements which applicants for funding under this program must meet. The Joint Committee on Administrative Rules advised us that the degree of specificity found in RFP's used in the past should be matched in the rules, and we have taken this opportunity also to reorder the material so that comparison of the RFP and the rules for the program will be easier from now on. Sections 205.30, 205.40, and 205.70 contain most of the changes in this respect.

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Section 205.40(a) now also sets forth a new administrative approach to approval and funding for the projects conducted under these rules, i.e., an intention to operate on a three-year cycle. Pursuant to that decision, a new Section 205.55 has been added, setting forth the criteria for approval of renewal applications received from grantees after their initial year of funding. The requirements for the content of renewal applications are contained in Section 205.40(c).

Finally, Section 205.80 has been amended to provide for timely notification of applicants as to the amount of their grant awards. This can only take place when the appropriation becomes final and the amount is made known to the State Board. As the actual distribution of the funds takes place according to an individual payment schedule negotiated as part of a project's approval, the title of the Section has also been changed from "Distribution" to "Notification" of Grant Awards.

- 16) Information and questions regarding these adopted Amendments shall be directed to:

Name: Tom Grayson
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-6035

The full text of the Adopted amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER e: INSTRUCTION

PART 205

TRUANTS' ALTERNATIVE AND OPTIONAL EDUCATION PROGRAMS

Section

205.10 Definitions

205.20 Purpose

205.30 Eligible Applicants

205.40 Application Procedure and Content

205.50 Proposal Review and Approval Criteria - Initial

Applications

205.55 Proposal Review and Approval Criteria - Renewal

Applications

205.60 Allocation of Funds

205.70 Terms of the Grant

205.80 Distribution Notification of Grant Awards

AUTHORITY: Implementing and authorized by Section 2-3.66 of The School Code (Ill. Rev. Stat. 1989, ch. 122, par. 2-3.66).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15978, effective October 18, 1985, for a maximum of 150 days; adopted at 11 Ill. Reg. 6418, effective March 31, 1987; amended at 14 Ill. Reg. 10320, effective June 19, 1990.

NOTE: Capitalization denotes statutory language.

Section 205.30 Eligible Applicants

Proposals for grant awards under Section 2-3.66 of The School Code may be submitted only by local school districts, educational service regions, or community college districts. Any combination of these entities may submit a joint proposal.

- a) School districts must attach a copy of the Board of Education minutes which include a formally approved motion granting authority to submit the application. For other applicants, a letter from the chief executive officer or legal governing board endorsed by its president must be included indicating the authority to submit the application.

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- b) In each case a single entity must be designated as the administrative agent, and the chief executive officer of each participating agency must sign the proposal.

(Source: Amended at 14 Ill. Reg. 10320, effective June 19, 1990)

Section 205.40 Application Procedure and Content

- a) The State Board of Education will issue a Request for Proposal (RFP) specifying the information which applicants must include in their proposal and requiring that proposals be submitted to the State Board of Education no later than the date specified in the RFP, which shall provide at least forty-five (45) calendar days in which to submit proposals. Beginning with proposals which are approved for 1989-90, it is the intention of the State Board of Education to approve projects for a three-year period. Funding for the second and third years of operation, i.e., beginning with 1990-91, will be contingent on the availability of funds for the program and on the grantee's progress toward meeting its objectives (See Section 205.55).

- b) Each initial proposal must provide the following information:

- 1) a description of the need for the programs contained in the proposal, including the number of persons eligible to be served in the truant's alternative program and/or the optional education program
- 2) a description of the goals for the project, which must include the establishment and/or expansion of one or more of the programs and services authorized in Section 2-3.66 of The School Code
- 3) a description of the objectives to be achieved and the activities to be carried out in relation to the goals
- 4) a schedule or flow chart covering at least one fiscal year and indicating the relationship between goals, objectives, and activities
- 5) a description of how the applicant will assess the effectiveness of the project in relation to its goals and to the persons served by the project

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- 6) a description of the main task(s) of the administrative and other professional personnel to be assigned to the project;
- 7) a description of the number and type of persons to be served as authorized in Section 2-3-66 of the School Code and defined in Section 205-10 of this Part, and
- 8) a proposed budget completed on a form to be provided by the State Board of Education.
- 1) A Completed form "Truants' Alternative and Optional Education Program Demographic Information" and an abstract of the proposal (not more than 200 words).
- 2) Comprehensive Planning

A) The applicant is required to demonstrate preparedness to make specific efforts to utilize available school, social service agency, business and other regional and local community services. Coordination of program services involving personnel from school districts, social and community service agencies, business, parents or guardians, representatives of courts, staff advisory groups, and others having responsibilities for the welfare of children should be a major component of the proposed program. The applicant shall:

- i) List all individuals involved in planning the proposed Truants' Alternative and Optional Education Program, identify the organization, agency or group each represents, and describe the nature and extent of his/her involvement; and
- ii) describe in detail how the coordination of services for students at risk of school failure and/or dropouts will be carried out.

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- B) The applicant is required to describe in detail the nature and extent of existing truancy/dropout prevention services, including diagnostic, interventive, remediative services and educational options that are available for use in the area. This description shall include an indication of which services need to be expanded or are lacking and need to be established.
- C) The geographic area to be covered by the proposed program must be identified, including a list of the participating school districts.
- D) The qualifications of professional staff, including certification status and the duties of each, must be identified.
- E) The applicant shall describe the facilities to be used by the program.

3) Remediative/Interventive Services, Educational Options, and Diagnostic Procedures

- A) The applicant shall indicate intent to offer both a truancy/dropout prevention program, i.e., remediative, interventive and/or supportive services and an educational option, e.g., an academic and/or vocational curriculum, or to offer one of these programs, and shall describe such proposed program and services.
- B) The applicant shall describe the diagnostic procedure(s) to be used to determine the cause(s) of a student's being at risk of school failure. These procedures shall include, but need not be limited to, an interview with the youth, consultation with the youth's parent(s) or guardian(s), a review of the youth's academic history and current educational functioning, and an assessment of the youth's learning environment. Persons who will be involved in the above diagnostic procedures, e.g., guidance counselors, regional diagnostic center personnel, school psychologists,

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social workers, case workers, or others, must be identified.

- C) The applicant shall list the indicators which will be used to identify students at risk of school failure, potential dropouts and/or dropouts who will participate in the program. Specific criteria by which youth will be chosen to receive diagnostic, interventive or remediative services and/or educational options must be indicated.

4) Needs Assessment

- A) The applicant shall describe the students' need for the proposed remediative/ interventive services and/or educational option.

- B) The need so described must be documented with current statistical and/or descriptive information/data.

5) Individualized Optional Education or Service Plans

The applicant shall describe the procedures for developing a written individualized optional education plan or service plan for each student. Procedures for the development of a written optional education or service plan shall include the involvement of the student, the student's parent(s) or legal guardian(s) unless the student is 16 or more years old, and the appropriate school officials. The plan must include:

- A) learning objectives or individual outcomes such as increased school attendance, course credit, graduation, gains in achievement level, or employment;
- B) assessment procedures to determine the degree to which the student is achieving his/her learning objectives or individual outcomes; and
- C) an appropriate time period during which the student is expected to achieve those objectives/outcomes.

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6) Statement of Program Objectives

Specific objectives must be stated. Each objective must relate to the previously identified needs and must be stated in measurable terms.

7) Activity Statement(s)

A concise description of activities corresponding to each objective must be presented. Activity statements must include indications of:

- A) What will be done;

- B) When each activity will be implemented and completed;

- C) Who will conduct each activity; and

- D) Who will be served by each activity.

8) Evaluation Design

A) Formative Evaluation

The applicant shall describe the evaluation process for determining whether progress is being made toward achieving the program objectives.

B) Summative Evaluation

The applicant shall describe the evaluation process for determining success of the program. The evaluation must be designed so that it will document the services provided to individuals; report the degree to which the program completed its proposed objectives; and include qualitative data such as race and sex, as well as descriptive statistics such as numbers served, attendance rates, and the degree to which truancy and/or chronic truancy was reduced, number of credits earned, number of students who graduated or successfully completed the G.E.D., and number of students who are employed.

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2) Budget/Fiscal Information

The budget summary and payment schedule must be completed on the form provided. A budget breakdown, i.e., a detailed explanation of each line item of expenditure, must also be provided.

10) Assurances and Certification

The applicant shall submit the assurances and certification forms attesting to the following:

- A) The applicant has the necessary legal authority to apply for and to receive the proposed grant.
- B) The activities and services for which assistance is sought under this program will be administered by or under the supervision of the applicant.
- C) In planning the program proposed in the application, there has been, and in establishing and carrying out the program, there will be participation of persons broadly representative of the cultural and educational resources of the area to be served, including persons representative of the interests of potential beneficiaries.
- D) No funds received under the grant shall be used to supplant funds normally budgeted for the planning of services of the same type.
- E) The project will be operated in compliance with all applicable state and federal laws, including but not limited to the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1989, ch. 127, par. 2301 et seq.), The School Code (Ill. Rev. Stat. 1989, ch. 122, par 1-1 et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Illinois Human Rights Act (Ill. Rev. Stat. 1989, ch. 68, par 1-101 et seq.), the Education of the Handicapped Act (20 U.S.C. 1401 et seq.), the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.), and Titles VI and VII of the Civil

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Rights Act of 1964 (42 U.S.C. 2000d et seq., 2000e et seq.); and the applicant shall submit such reports as may be required.

- F) The filing of the application has been authorized by the governing body of the applicant, and the applicant's representative has been duly authorized to file the application, and to otherwise act as the authorized representative of the applicant.
- G) The applicant has not been barred from bidding for the grant as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 (Ill. Rev. Stat. 1989, ch. 38, par. 33E-3 or 33E-4).
- 11) e) School districts submitting a proposal to establish an optional education program individually or jointly must include in the proposal a copy of the policy adopted by their board(s) of education to establish such a program.
- c) Each proposal for renewal must contain at least the following:
 - 1) a summative evaluation of the preceding year's program, documenting the services provided and describing the degree to which the grantee achieved its stated objectives;
 - 2) updated information applicable to the activities proposed for the renewal period as called for in subsections (b)(1), (3), (6), (7), and (9);
 - 3) for each of the items called for in subsections (b)(2), (4), (5), and (8), either updated information applicable to the renewal period or a statement that the information originally provided remains accurate;
 - 4) a narrative statement relating the activities and objectives proposed for the renewal period to the evaluation results provided pursuant to subsection (c)(1); and
 - 5) the assurances and certification forms referred to in subsection (b)(10), bearing a current signature and applicable to the renewal period.

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- d) Each proposal must state who is to implement the proposed program, i.e., the educational agency or another not-for-profit entity under contract to the educational agency as authorized in Section 2-3.66 of The School Code. Such contracts shall contain specific provisions limiting the delivery of goods and services under them to those authorized under the terms of the grant award issued by the State Board of Education to the eligible applicant.

(Source: Amended at 14 Ill. Reg. 10320, effective June 19, 1990
 Section 205.50 Proposal Review and Approval Criteria - Initial Applications

- a) Proposals submitted in response to the Request for Proposal shall be evaluated in accordance with the following criteria.
- 1) Truancy/dropout services, including services for chronic truants, shall include preventive, diagnostic, interventive and remediation services, and shall have the following components:
 - A) a description of the procedures used to document the need for truancy/dropout prevention services and to develop the proposed program (This shall include identification of the individuals and/or groups involved in the process.);
 - B) procedures and criteria by which youth will be chosen to receive diagnostic, intervention and/or remediation services;
 - C) diagnostic procedure(s) to be used to determine the cause(s) of truancy or dropping out of school (These procedures shall include, but need not be limited to: an interview with the student, consultation with the student's parent(s) or guardian(s), a review of the student's academic history and current educational functioning, and an assessment of the student's learning environment.);

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- D) direct services aimed at preventing, overcoming or remediating the cause(s) of truancy or dropping out of school; and
 - E) procedures for assessing the effectiveness of prevention, diagnostic and remediation services.
- 2) Optional education programs shall have the following components:
- A) a description of the procedures used to document the need for optional education services and to develop the proposed program (This shall include identification of the individuals and/or groups included in the process.);
 - B) procedures by which at-risk youth or dropouts will be identified for placement in the proposed optional education program;
 - C) procedures for developing individualized optional education plans (Such procedures shall include the involvement of the student, the student's parent(s), or legal guardian(s) unless the student is 18 or more years old, and the appropriate school officials.);
 - D) procedures for determining academic and/or vocational skills instruction to be provided;
 - E) a description of the optional education program including student academic and/or vocational skills learning outcomes, time (full or part-time) that the student will participate in the program, and the location or setting of the program; and
 - F) procedures for assessing the effectiveness of the optional education program in meeting the academic and/or vocational skills objectives of students as outlined in their individualized optional education plans.
- b) Information contained in proposals submitted in accordance with Section 205.40 of this Part will be reviewed by State Board of Education staff to determine

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that the information demonstrates compliance with Section 2-3.66 of The School Code and this Part.

- c) If the proposal is incomplete, State Board staff will send a written notice to applicants requesting that they supply the needed information. Such applicants must supply the requested information within thirty (30) calendar days of their receipt of said notice.
- d) Complete program proposal applications will be reviewed and rank ordered by State Board staff on the basis of the following criteria and points:
 - 1) The program proposal contains a statement of need, objectives and activities and an evaluation design, and complies with all other requirements requested in the Request for Proposal - 40 points.
 - 2) The program proposal demonstrates that the services to be provided are designed to prevent truancy and dropping out of school through diagnostic, intervention and/or remediation services; and/or are designed to meet the academic and/or vocational skills needs of at-risk students or dropouts who will be served by the program - 35 points.

3) There is a need for the program/services, i.e., number and proportion of at-risk students, chronic truants, students dropping out of school, and dropouts in the geographic area to be served - 20 points.

4) The program is cost-effective as evidenced by the cost of proposed services in relation to the numbers to be served and the services to be provided - 5 points.

e) The State Superintendent of Education will make final determinations in accordance with the criteria stated in subsection (d) of this Section.

(Source: Amended at 14 Ill. Reg. 10320, effective June 19, 1990)

Section 205.55 Proposal Review and Approval Criteria - Renewal Applications

Proposals submitted for a renewal period shall be evaluated in accordance with the following criteria:

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a) The evaluation of the previous year's project indicates that its stated objectives have been met and that the project has been conducted in conformance with the application approved by the State Superintendent of Education; or

b) In instances where certain of a project's objectives have not been met, the grantee has described the relative status of each such objective, the reason(s) for incomplete achievement, and either

- 1) the steps to be taken to ensure that the objective will be met during the renewal period, if the objective remains a valid part of the proposal for renewal, or
- 2) if the grantee has determined that the objective should be deleted from its plan or altered in light of the previous year's experience, the grantee has provided its rationale for such deletion or change and has described how the program's goals for the renewal period will be met in light of the change.

(Source: Added at 14 Ill. Reg. 10320, effective June 19, 1990)

Section 205.70 Terms of the Grant

a) All grants issued under this Part shall be governed by the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985 1982, ch. 127, par. 2301 et seq.).

b) The time period of the grant shall run from September 1 of the calendar year or from a date to be negotiated through August 31 of the following calendar year.

c) Successful applicants shall submit interim and final reports (by the end of February and the end of the grant period, respectively) specifying:

- 1) diagnostic services provided;
- 2) remediation or intervention services provided;
- 3) truancy prevention services/activities provided;
- 4) the extent to which program objectives have been accomplished;

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- 5) Descriptive statistics, i.e., attendance data; number of student contacts, home visits, number of referrals to social service agencies and other specialized services; and
- 6) any similar program-related information that the State Superintendent of Education may request upon 30 days' written notice.
- d) Recipients of grant awards shall maintain records on program and fiscal activities for a period of three years following the end of the grant period; however, if there are outstanding audit exceptions, records shall be retained until such exceptions are closed out. Such records include fiscal accounting for all monies in accordance with 23 Ill. Adm. Code 110 (Program Accounting Manual) and the program assessment and final report specified in subsection (c) of this Section. An audit report which includes a certified opinion and statement of receipts and disbursements compared to the approved budget must be submitted to the State Board no later than 45 days after the end of the contract period.

e) The grantee may operate its own program or enter into a subcontract with another not-for-profit entity to implement the program. However, all program responsibilities are to be retained by the grantee to ensure compliance with the terms and conditions of the grant. All subcontracting must be documented and must have approval of the State Superintendent of Education. Approval of subcontracts will be subject to the same criteria as are applied to the original project application. The following information is required if any subcontracting is to be utilized:

- 1) Name and address of subcontractor(s);
- 2) Need/purpose for subcontracting;
- 3) Measurable and time-specific services to be provided;
- 4) Associated costs, i.e., amount to be paid under the contract; and
- 5) Projected number of children to be served.

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- f) All grant funds shall be used exclusively for the purposes stated in the approved proposal.
- g) Payments from the State Board of Education to grantees will be made according to a negotiated payment schedule. Payments will not vary from the schedule unless the quarterly reports show excessive cash on hand, at which time payments will be reduced proportionately. Amounts projected for each month are expected to be a reflection of need for that month and not simply the total budget divided by the number of months in the project. Following negotiations, contract budgets may be amended by completing an amendment to the budget summary and payment schedule form and attaching supplementary documentation showing variances and justifications. A budget amendment is necessary whenever an approved individual line item changes by more than \$500 or 10% (whichever is larger) from the approved budget. Changes will be approved if the proposed distribution of resources or activities would have been approvable within the original application.

(Source: Amended at 14 Ill. Reg. 10320, effective June 19, 1990)

Section 205.80 Distribution Notification of Grant Awards

Grant Notification of grant awards for approved proposals will be distributed made not later than twenty-(20) forty-five (45) calendar days after the proposal submission date specified in the RFP-issued pursuant to Section 205-40(a) of this Part amount of the appropriation for this program is determined.

(Source: Amended at 14 Ill. Reg. 10320, effective June 19, 1990)

HEARING AID CONSUMER PROTECTION BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part:
Hearing Aid Consumer Protection Continuing Education Requirements

2) Code Citation:
77 Ill. Adm. Code 3000

3) Section Numbers:
3000.100 Amendments
3000.200 Amendments
3000.210 Amendments
3000.230 Amendments
Appendix B

4) Statutory Authority:

Hearing Aid Consumer Protection Act
Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.

5) Effective Date of Rules: June 18, 1990

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference?

Yes X No

If "yes," please specify type: 6.02(a) X or 6.02(b)

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes No

8) Date Filed in Agency's Principal Office: June 18, 1990

9) Date Notice(s) of Proposal was Published in Illinois Register:

December 8, 1989 - 13 Ill. Reg. 19005

10) Has the Joint Committee on Administrative Rules issued a Statement of

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Objections to this/these Rules? Yes No X

If "yes," please complete the following:

A) Statement of Objection: , Ill. Reg.
B) Agency Response: , Ill. Reg.
C) Date Agency Response Submitted for Approval to the Joint Committee:
Not applicable.

11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

Not applicable.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Not applicable.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

14) Are there any other Amendments Pending on this Part? Yes No X

If Yes:

Section Numbers Proposed Action Ill. Reg. Citation

15) Summary and Purpose of Rules:

HEARING AID CONSUMER PROTECTION BOARD

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The "Illinois Hearing Aid Consumer Protection Act", effective July 1, 1984, requires the Department of Public Health to develop and administer a hearing aid consumer protection program to protect the hearing impaired from incompetent and dishonest hearing aid dispensing practices which could endanger the health, safety and welfare of the People of Illinois.

The Department of Public Health is required to promulgate all necessary rules and regulations for proper implementation and administration of the Act. Rules and regulations for the administration of the Hearing Aid Consumer Protection Act (77 Ill. Adm. Code 682--Hearing Aid Consumer Protection Code) were adopted at 11 Ill. Reg. 7690, effective April 15, 1987.

Section 17 of the Act requires that the Hearing Aid Consumer Protection Board, by rule, establish minimum standards of continuing education for renewal of a hearing aid dispenser's certificate. The Hearing Aid Consumer Protection Code (77 Ill. Adm. Code 682) was amended and Subpart G Continuing Education was added. Subpart G of these amended rules contains reference to the location of the Board's rules for minimum standards of continuing education for certifying Education renewal--"Hearing Aid Consumer Protection Continuing Education Requirements" (77 Ill. Adm. Code 3000). The Board's rules, Hearing Aid Consumer Protection Continuing Education Requirements, were adopted at 12 Ill. Reg. 4707, effective February 22, 1988.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER XIV: HEARING AID CONSUMER PROTECTION BOARD

PART 3000

HEARING AID CONSUMER PROTECTION CONTINUING EDUCATION REQUIREMENTS

Section

3000.100 Definitions
3000.200 Approved Continuing Education Courses
3000.210 Responsibilities of Course Sponsors
3000.220 Board
3000.230 Dispenser Responsibilities

Appendix A Course Sponsor Application Form

Appendix B Participant's Registry Card

AUTHORITY: Implementing and authorized by the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq., in particular par. 7417).

SOURCE: Adopted at 12 Ill. Reg. 4707, effective February 22, 1988; amended at 14 Ill. Reg. 10337, effective June 18, 1990.

NOTE: Capitalization denotes statutory language.

Section 3000.100 Definitions

"Act" means the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987⁵, ch. 111, par. 7401 et seq.)

"Advanced Track" means the material is designed for those dispensers who have been dispensing for a minimum of five years.

"Beginning Track" means the material is general and requires no experience or knowledge in hearing aid dispensing.

"BOARD" MEANS THE HEARING AID CONSUMER PROTECTION BOARD.
(Section 3(h) of the Act)

"Course Sponsor" means any person, school, association, company, corporation or group applying to provide a continuing education course.

"Critical Issues Track" means the material is designed to present new issues or trends in the hearing aid industry.

"Intermediate Track" means the material is designed for those dispensers who have been dispensing for a minimum of three years.

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"One Contact Hour" means a 50-minute classroom instructional laboratory or practicum session.

"One Continuing Education Unit (CEU)" means ten contact hours of participation in a continuing education course.

(Source: Amended at 14 Ill. Reg. 10337, effective June 18, 1990)

3000.200 Approved Continuing Education Courses

a) Continuing education courses shall be offered in the following areas: acoustics; nature of the ear (normal ear, hearing process, disorders of hearing); hearing measurement; hearing aid technology; selection of hearing aids; federal and state laws/regulations regarding dispensing of hearing aids and ethical practices.

b) Only Continuing Education Units approved by the Department, the American Speech-Language-Hearing Association (ASHA) or the National Hearing Aid Society (NHAS) shall be applied towards meeting the minimum requirements set forth in Section 3000.230. Sponsors other than ASHA and NHAS shall send the Department the following material prior to a course being offered when the Department approves the continuing education courses: the procedures and criteria used to approve Continuing Education courses, a roster of the approved courses containing the name of the instructor(s), the location of the course, and the number of CEU's or contact hours assigned to the course.

c) Only Continuing Education Units completed subsequent to the effective date of this rule shall be applied to the minimum requirements as set forth in Section 3000.230 of this ActPart.

(Source: Amended at 14 Ill. Reg. 10337, effective June 18, 1990)

Section 3000.210 Responsibilities of Course Sponsors

a) A course sponsor shall be responsible for obtaining prior approval from the Department, the ASHA or the NHAS for continuing education courses.

b) The course sponsor, or an individual applying for a course sponsor, shall forward a completed application package to the Department. The completed package shall consist of the following materials:

- 1) The Course Sponsor Application Form (See Appendix A) shall contain the following: the course sponsor's name, address

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and phone number; the title of the CEU course, the number of CEUs to be awarded, and the dates the course will be given; the name of the instructor(s); the location of the course(s); and the Track designation (Beginning, Intermediate Advanced, or Critical Issues);

2) The educational objective(s) of the course typed and double spaced;

3) The course description, which shall be typed, double spaced, and not exceed 600 words in length;

4) The course agenda, which shall include the amount of time required to meet the course objectives. Specific times shall be provided for lecture, practicum, discussions, introductions, breaks, and lunches. Introductions, breaks, and lunches shall not be applied toward calculating contact hours on CEU's;

5) The course sponsor's evaluation form to be completed by the participants; and

6) All course instructor(s) vitae containing experiential and educational background.

c) The course sponsor shall sign and date the Course Sponsor Application Form.

d) The course sponsor shall anticipate a 60 day review process. Following approval of a course, the course sponsor shall notify the Department of any changes in the course content or instructors prior to the course offering. Upon such notification, the Board will review the changes in course content or instructors in accordance with Section 3000.220.

e) SPONSORS OF CONTINUING EDUCATION COURSES SHALL PROVIDE SUCH INFORMATION AS MAY BE REQUIRED BY RULE AND SHALL PAY A FEE OF \$150 PER COURSE. (Section 15 of the Act)

f) COURSES CERTIFIED OR APPROVED FOR CONTINUING EDUCATION BY THE NATIONAL HEARING AID SOCIETY OR THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION SHALL BE EXEMPT FROM SUCH FEE AND COMPLIANCE WITH SUCH COURSE FILING REQUIREMENTS AS SPECIFIED BY RULE. (Section 15 of the Act)

(Source: Amended at 14 Ill. Reg. 10337, effective June 18, 1990)
Section 3000.230 Dispenser Responsibilities

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a) For Department approved courses, the dispenser shall obtain a Participant's Registry Card (See Appendix B) from the Department. The Participant Registry Card shall be completed by the dispenser, signed by the course instructor, and sent to the Department. The Participant Registry Card consists of the participant's name, certificate identification number, name of business, business address, course name, date, site, participant's signature, and the instructor's signature.

b) For ASHA approved courses, the dispenser shall have a transcript of the CEU sent directly to the Department by ASHA.

c) For NHAS approved courses, the dispenser shall have an official certificate of completion forwarded to the Department by NHAS.

d) Dispensers with certificate expiration dates which occur within the first 12 months subsequent to the effective date of these Rules shall not be required to obtain Continuing Education Units for the purpose of certificate renewal.

e) A minimum of 1.0 CEU shall be obtained by dispensers who have certificates which expire from twelve months to twenty-four months subsequent to the effective date of these Rules, in order to have the certificate renewed.

f) A minimum of 2.0 CEUs shall be obtained by dispensers who have certificates which expire twenty-four months subsequent to the effective date of these Rules, in order to have the certificate renewed every two years.

g) Thirty days prior to a licensee's expiration date, the dispenser shall verify, via the procedures set forth in subsection (a), (b) or (c), the total number of CEUs obtained subsequent to licensee's renewal.

h) The dispenser shall obtain the required CEUs before the licensee's certificate is renewed.

i) CEUs shall not be applied to the dispenser's licensee's renewal for the same course more than once between licensee's renewals.

(Source: Amended at 14 Ill. Reg. 10337, effective June 18, 1990)

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Section 3000, Appendix B Participant's Registry Card
Hearing Aid Consumer Protection Program Continuing Education
PARTICIPANT'S REGISTRY CARD
(Please Print)

PARTICIPANT'S NAME: _____

(Last, First and initial)

LICENSEE ID #: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: _____

City

State

Zip

COURSE NAME: _____

COURSE SITE: _____

DATE: _____

I hereby certify that I have attended the entire program of instruction for which continuing education hours are being awarded.

I fully understand that misrepresentation of continuing education attendance is a violation of the Hearing Aid Consumer Protection Act.

The number of Continuing Education Units awarded: _____

Return this card to the course instructor. Failure to comply will result in your not receiving the above CEU award.

Participant's Signature: _____

Date: _____

Instructor's Signature: _____

Date: _____

(Source: Amended at 14 Ill. Reg. 10337, effective June 18, 1990)

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1) The Heading of the Part: Long-Term Care Insurance

2) Code Citation: 50 Ill. Adm. Code 2012

3) Section Numbers: Adopted Action:

2012.10	New Section
2012.20	New Section
2012.30	New Section
2012.40	New Section
2012.50	New Section
2012.60	New Section
2012.70	New Section
2012.80	New Section
2012.90	New Section
2012.100	New Section
2012.110	New Section
2012.120	New Section
2012.130	New Section
2012. Exhibit A	New Section
2012. Exhibit B	New Section
2012. Exhibit C	New Section

4) Statutory Authority: Implementing and authorized by Article XIXa of the Illinois Insurance Code (Ill. Rev. Stat. 1989, ch. 73, par. 963A-1, as added by P.A. 85-1172, effective August 12, 1988.

5) Effective Date of Rule: June 15, 1990

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this rule contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: June 11, 1990

9) Notice of Proposal Published in Illinois Register: June 16, 1989, 13 Ill. Reg. 9181.

10) Has JCAR issued a Statement of Objections to this rule?
No.

11) Differences between proposal and final version:

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- a) In the title page Sections 2012.70, 2012.80, 2012.90, 2012.100 and 2012.110 were renumbered 2012.90, 2012.100, 2012.110, 2012.120 and 2012.130 respectively. New Section 2012.70 entitled "Minimum Standards for Home Health Care Benefits in Long Term Care Policies", was added and new Section 2012.80 "Requirement to Offer Inflation Protection" was also added.
- b) In Section 2012.30a) in the first sentence, first line, the language "as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1)" was added between the words "Insurance" and "means". The language "Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity." was added and is now the third sentence. Also in the last sentence the language "or related asset" was added between the words "income" and "protection".
- c) In Section 2012.30b) the language "as defined in Section 351A-1 of the Illinois Insurance Code" was added between the words "Applicant" and the word "means".
- d) In Section 2012.30e), between subparagraph e)(3) and e)(4), the unlabeled subparagraph was labeled "e)(4)" and existing "e)(4)" was relabeled as "e)(5)". New subparagraph e)(5) added a new part D) which reads as follows:
- D) The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with the requirements of Section 2012.110.
- e) A new Section 2012.30h) was added to the Part and reads as follows: "h) Accelerated Life Product means a policy, contract, rider endorsement or amendment which contains benefits providing benefits payment from life or endowment or annuity benefits in advance of the time they would otherwise be payable at anytime during the insured's lifetime as an indemnity for long term care."

- f) In Section 2012.40a) the language "42 U.S.C.A. Section 1395 et seq., including the "Medicare Catastrophic Coverage Act of 1988."" was added following the word "Amended". In Section 2012.40d) the words "extended care facility," were deleted from the second line.
- g) In Section 2012.50b)(6) the capital S in the word subsection was replaced by a lower case s and the "b" was placed in parenthesis.
- h) In Sections 2012.50d)(1), (2), (3), (4), (8) and (11) the word "section" was capitalized.
- i) In Section 2012.50d)(4) the word "to" was deleted from line eight between the word "services" and "or".
- j) In Section 2012.50d)(5) in the last line the word "guaranteed" was inserted between the words "be" and "renewable" and the word "annually" was deleted.
- k) Section 2012.50d)(5)(i) has been reworded as follows:
- i) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and
- l) In Section 2012.50d)(7)(B)(ii) the words "Paragraph 6" were deleted and the words "subparagraph d)(6)" were added in lieu thereof.
- m) Section 2012.60a) following the word "be" on line three, the language reads "captioned, as a Renewal,".
- n) Section 2012.60e) line three the beginning date has been changed to August 30, 1990 due to a typographical error.
- o) Sections 2012.60f)(1)-(3) were deleted entirely and were replaced by:

1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits

within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

- A) an explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;
- B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;
- C) any exclusions, reductions and limitations on benefits of long-term care; and
- D) if applicable to the policy type, the summary shall also include:
- i) disclosure of the effects of exercising other rights under the policy;
- ii) disclosure of guarantees related to long-term care costs of insurance charges; and
- iii) current and projected maximum lifetime benefits.
- 2) Benefit Reports
- Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:

A) any long-term care benefits paid during the month;

B) an explanation of any changes in the policy, including changes in death benefits or cash

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values, due to long-term care benefits being paid out; and

- c) the amount of long-term care benefits existing or remaining.

3) Outline of Coverage

The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care benefit is calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.

- p) The new Section 2012.70 referred to in Item 4a above reads as follows:

Section 2012.70 Minimum Standards for Home Health Care Benefits in Long-Term Care Insurance Policies

- a) A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:

- 1) By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
- 2) By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;
- 3) By limiting eligible services to services provided by registered nurses or licensed practical nurses;
- 4) By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;

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- 5) By requiring that the insured/claimant have an acute condition before home health care services are covered;

- 6) By limiting benefits to services provided by Medicare-certified agencies or providers.

- b) Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

- q) The new Section 2012.80 referred to in Item 4a above reads as follows:

Section 2012.80 Requirement to Offer Inflation Protection

- a) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:

- 1) Increases benefit levels annually, (in a manner so that the increases are compounded annually);
 - 2) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined; or
 - 3) Covers a specified percentage of actual or reasonable charges.
- b) Where the policy is issued to a group, the required offer in Subsection (a) above shall be made to the group policyholder; except, if the policy is issued

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to a discretionary group other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.

- c) The offer in Subsection (a) above shall not be required of:
 - 1) Life insurance policies or riders containing accelerated long-term care benefits, nor
 - 2) Expense incurred long-term care insurance policies.
- d) Insurers shall include the following information in or with the outline of coverage:
 - 1) A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase benefits. The graphic comparison shall show benefit levels over at least a twenty (20) year period.
 - 2) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases. If premium increases or additional premiums will be based on the attained age of the applicant at the time of the increase, the insurer shall also disclose the magnitude of the potential premiums the applicant would need to pay at ages 75 and 85 for benefit increases.
 - 3) An insurer may use a reasonable hypothetical or a graphic demonstration for the purposes of this disclosure.
- r) Section 2012.100 on the seventh line the following words have been added after the word "state" "that has adopted the National Association of Insurance Commissioners' model legislation on Long-Term Care Insurance and attendant regulations, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 (1990) (no subsequent dates or editions)."

- s) Section 2012.110a) after the word "experience" the following words have been added "based on the following factors: claim rates, variability in transaction costs, and number of lives exposed."
- t) Section 2012.110j) after the word "periods", the following words have been added "(period between when the claim arises and insured is eligible to receive benefits)".
- u) Section 2012.120a) to the end of the second sentence the following citation has been added "(see 50 Ill. Adm. Code 2004.40)". In the third sentence, a period has been inserted following the word "model", and the remaining four words have been deleted. In the fourth sentence following the word "produces" the following language has been added "reserves that are greater than or equal to the reserves that are produced by the multiple decrement model.", and the remaining words of that sentence were deleted. Numbers were added in front of the list of considerations in 2012.120a).
- v) Section 2012.120b) after the word "be" the word "certified" was deleted and the following words were added "accompanied by a statement declaring it".
- w) Section 2012.120c) a parenthesis was added after the word "a" on line two.
- x) Section 2012.130b) after the word "material" the following words were added "not contained within the policy itself.", and the remaining four words were deleted.
- y) Section 2012.130d) a period was inserted following the word "mandatory", and the remaining four words were deleted.
- 12) Have all the Changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this rule replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

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- 15) Summary and Purpose of Rule: This rulemaking implements Article XIXA, Long-Term Care Insurance, of the Illinois Insurance Code, which was added to the Code by P.A. 85-1172. This Part regulates the sale of long-term care insurance to Illinois citizens. This Part promotes the public interest by protecting applicants for long-term care insurance from unfair or deceptive sales or enrollment practices by regulating long-term care insurance policy practices and provisions, disclosure provisions, replacement requirements, policy filings and required outlines of coverage.

- 16) Information and questions regarding this adopted rule shall be directed to:

Charles J. Budinger
Illinois Department of Insurance
320 West Washington, 4th Floor
Springfield, Illinois 62767

The full text of the Adopted Rule begins on the next page:

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TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

PART 2012
LONG-TERM CARE INSURANCE

Section	Purpose
2012.10	Applicability and Scope
2012.20	Definitions
2012.30	Policy Definitions
2012.40	Policy Practices and Provisions
2012.50	Required Disclosure Provisions
2012.60	Minimum Standards for Home Health Care Benefits in Long-Term Care Insurance Policies
2012.70	Requirement to Offer Inflation Protection
2012.80	Requirements for Replacement
2012.90	Filing Requirement
2012.100	Loss Ratio
2012.110	Reserve Standards
2012.120	Standard Format Outline of Coverage Requirements
2012.130	Standard Format Notice for Other Than Direct Response Solicitations
2012. Exhibit A	Replacement Notice for Direct Response Solicitations
2012. Exhibit B	Replacement Notice for Direct Response Solicitations
2012. Exhibit C	Standard Format Outline of Coverage

AUTHORITY: Implementing and authorized by the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 613 et seq., as amended by P.A. 85-1172, effective August 12, 1988).

SOURCE: Adopted at 14 Ill. Reg. 10345, effective June 15, 1990.

Section 2012.10 Purpose

The purpose of this regulation is to implement Article XIXA of the Illinois Insurance Code, to promote the public interest, to promote the availability of long-term care insurance coverage, to protect applicants for long-term care insurance from unfair or deceptive sales or enrollment practices, to facilitate public understanding and comparison of long-term care insurance coverages and to facilitate flexibility and innovation in the development of long-term care insurance.

Section 2012.20 Applicability and Scope

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Except as otherwise specifically provided, this regulation applies to all long-term care insurance policies delivered or issued for delivery in this State by any insurer on or after the effective date of this Part.

Section 2012.30 Definitions

- a) "Long-Term Care Insurance" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1) means any accident and health insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than 12 consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis; for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual life insurance policies or riders, which provide directly or as a supplement, long-term care insurance. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of function capacity. Such insurance may be issued by insurers, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization. Long-term care insurance may include benefits for care and treatment in accordance with the tenets and practices of any established church or religious denomination which teaches reliance on spiritual treatment through prayer for healing. Long-term care insurance shall not include any insurance policy which is offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset protection coverage, accident only coverage, specified disease or specified accident coverage, or limited benefit health coverage.

- b) "Applicant" as defined in Section 351A-1 of the Illinois Insurance Code means:

- 1) in the case of an individual long-term care insurance policy, the person who seeks to contract for benefits;
- 2) in the case of a group long-term care insurance policy, the proposed certificateholder.
- c) "Certificate" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1) means any certificate issued under a group long-term care insurance policy, which policy has been delivered or issued for delivery in this State.
- d) "Director" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1) means the Director of Insurance.
- e) "Group Long-Term Care Insurance" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1) means a long-term care insurance policy which is delivered or issued for delivery in this State and issued to one of the following:
 - 1) One or more employers or labor organizations, or to a trust or to the trustee(s) of a fund established by one or more employers or labor organizations, or a combination thereof, for employees or former employees or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.
 - 2) Any professional, trade or occupational association for its members or former or retired members, or combination thereof, if such association:
 - A) Is composed of individuals all of whom are or were actively engaged in the same profession, trade or occupation; and
 - B) Has been maintained in good faith for purposes other than obtaining insurance.
 - 3) An association or a trust or the trustee(s) of a fund established, created or maintained for the benefit of members of one or more associations.

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Prior to advertising, marketing or offering such policy within this State, the association or associations, or the insurer of the association or associations, shall file evidence with the Director that the association or associations have at the outset a minimum of 100 members and have been organized and maintained in good faith for purposes other than that of obtaining insurance; have been in active existence for at least one year; and have a constitution and by-laws which provide that:

- A) the association or associations hold regular meetings not less than annually to further purposes of the members;
 - B) except for credit unions, the association or associations collect dues or solicit contributions from members; and
 - C) the members have voting privileges and representation on the governing board and committees.
- 4) Thirty days after such filing the association or associations will be deemed to satisfy such organizational requirements, unless the Director makes a finding that the association or associations do not satisfy those organizational requirements.
- 5) A group other than as described in paragraphs 1), 2) or 3) of subsection e), subject to a finding by the Director that:

- A) The issuance of the group policy is not contrary to the best interest of the public;
 - B) The issuance of the group policy would result in economies of acquisition or administration; and
 - C) The benefits are reasonable in relation to the premiums charged.
- D) The standards to be used by the Director for determining whether a group is eligible shall include, but not be limited to: the policy shall not contain broad or misleading

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exclusions; premiums for group policies are less than premiums for individual policies; and the loss ratio complies with the requirements of Section 2012.110.

- f) "Policy" as defined in Section 351A-1 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-1) means any policy, contract, subscriber agreement, rider or endorsement delivered or issued for delivery in this State by an insurer.
- g) "Insurer" includes insurance companies, fraternal benefit societies, nonprofit health, hospital, and medical service corporations, prepaid health plans, health maintenance organizations or any similar organization.
- h) "Accelerated Life Product" means a policy, contract, rider endorsement or amendment which contains benefits providing benefits payment from life or endowment or annuity benefits in advance of the time they would otherwise be payable at anytime during the insured's lifetime as an indemnity for long term care.

Section 2012.40 Policy Definitions

No insurance policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a long-term care policy unless the policy or subscriber contract contains definitions or terms which conform to the requirements of this Section.

- a) "Medicare" shall be defined as "The Health Insurance for the Aged Act, Title XVIII of the Social Security Amendments of 1965 as then Constituted or Later Amended" 42 U.S.C.A. Section 1395 et seq., including the "Medicare Catastrophic Coverage Act of 1988."
- b) "Mental or Nervous Disorder" shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder of any kind.
- c) "Skilled Nursing Care," "Intermediate Care," "Personal Care," "Home Care," and other services shall be defined in relation to the level of skill required, the nature

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of the care and the setting in which care must be delivered.

- d) All providers of services, including but not limited to "skilled nursing facility," "intermediate care facility," "convalescent nursing home," "personal care facility," and "home care agency" shall be defined in relation to the services and facilities required to be available and the licensure or degree status of those providing or supervising the services. The definition may require that the provider be appropriately licensed or certified.

Section 2012.50 Policy Practices and Provisions

- a) Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any group and individual direct response or individual long-term care insurance policy or certificate without explanatory language in accordance with the disclosure requirements of Section 2012.70 of this Part.

- 1) No such policy or certificate issued to an individual shall contain renewal provisions less favorable to the insured than "guaranteed renewable."

- 2) The term "guaranteed renewable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums and when the insurer has no unilateral right to make any change in any provision of the policy or rider while the insurance is in force, and cannot decline to renew, except that rates may be revised by the insurer on a class basis.

- 3) The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to unilaterally make any change in any provision of the insurance or in the premium rate.

- b) Limitations and Exclusions. No policy may be delivered or issued for delivery in this State as long-term care insurance if such policy limits or excludes coverage by

type of illness, treatment, medical condition or accident, except as follows:

- 1) Preexisting conditions or diseases;
- 2) Mental or nervous disorders; however, this shall not permit exclusion or limitation of benefits on the basis of Alzheimer's Disease or senile dementia;
- 3) Alcoholism and drug addiction;
- 4) Illness, treatment or medical condition arising out of:

- A) war or act of war (whether declared or undeclared);
- B) participation in a felony, riot or insurrection;
- C) service in the armed forces or units auxiliary thereto;
- D) suicide (sane or insane), attempted suicide or intentionally self-inflicted injury; or
- E) aviation (this exclusion applies only to non-fare paying passengers).

- 5) Treatment provided in a government facility (unless otherwise required by law), services for which benefits are available under Medicare or other governmental program (except Medicaid), any state or federal workers' compensation, employer's liability or occupational disease law, or any motor vehicle no-fault law, services provided by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

- 6) This subsection (b) is not intended to prohibit exclusions and limitations for payment of services provided outside the United States.

- c) Extension of Benefits. Termination of long-term care insurance shall be without prejudice to any benefits

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payable for institutionalization if such institutionalization began while the long-term care insurance was in force and continues without interruption after termination. Such extension of benefits beyond the period the long-term care insurance was in force may be limited to the duration of the benefit period, if any, or to payment of the maximum benefits and may be subject to any policy waiting period, and all other applicable provisions of the policy.

d) Continuation or Conversion

- 1) Group long-term care insurance issued in this state on or after the effective date of this Section shall provide covered individuals with a basis for continuation or conversion of coverage.
- 2) For the purposes of this Section, "a basis for continuation of coverage" means a policy provision which maintains coverage under the existing group policy when such coverage would otherwise terminate and which is subject only to the continued timely payment of premium when due. Group policies which restrict provision of benefits and services to, or contain incentives to use certain providers and/or facilities may provide continuation benefits which are substantially equivalent to the benefits of the existing group policy. The Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.
- 3) For the purposes of this Section, "a basis for conversion of coverage" means a policy provision that an individual whose coverage under the group policy would otherwise terminate or has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy (and any group policy which it replaced), for at least six months immediately prior to termination, shall be entitled to the issuance of a converted policy by the

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insurer under whose group policy the individual is covered, without evidence of insurability.

- 4) For the purposes of this Section, "converted policy" means an individual policy of long-term care insurance providing benefits identical to or substantially equivalent to or in excess of those provided under the group policy from which conversion is made. Where the group policy from which conversion is made restricts the provision of benefits and services, or contains incentives to use certain providers and/or facilities, the Director, in making a determination as to the substantial equivalency of benefits, shall take into consideration the differences between managed care and non-managed care plans, including, but not limited to, provider system arrangements, service availability, benefit levels and administrative complexity.
- 5) Written application for the converted policy shall be made and the first premium due, if any, shall be paid as directed by the insurer not later than thirty-one days after termination of coverage under the group policy. The converted policy shall be issued effective on the day following the termination of coverage under the group policy, and shall be guaranteed renewable.
- 6) Unless the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy from which conversion is made. Where the group policy from which conversion is made replaced previous group coverage, the premium for the converted policy shall be calculated on the basis of the insured's age at inception of coverage under the group policy replaced.
- 7) Continuation of coverage or issuance of a converted policy shall be mandatory, except where:
 - A) Termination of group coverage resulted from an individual's failure to make any required payment of premium or contribution when due; or

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B) The terminating coverage is replaced not later than thirty-one days after termination, by group coverage effective on the day following the termination of coverage:

- i) Providing benefits identical to or benefits equivalent in design and actuarially equivalent in value in excess of those provided by the terminating coverage; and
- ii) The premium for which is calculated in a manner consistent with the requirements of subsection (d)(6) of this Section.

8) Notwithstanding any other provision of this Section, a converted policy issued to an individual who at the time of conversion is covered by another long-term care insurance policy which provides benefits on the basis of incurred expenses, may contain a provision which results in a reduction of benefits payable if the benefits provided under the additional coverage, together with the full benefits provided by the converted policy, would result in payment of more than 100 percent of incurred expenses. Such provision shall only be included in the converted policy if the converted policy also provides for a premium decrease or refund which reflects the reduction in benefits payable.

9) The converted policy may provide that the benefits payable under the converted policy, together with the benefits payable under the group policy from which conversion is made, shall not exceed those that would have been payable had the individual's coverage under the group policy remained in force and effect.

10) Notwithstanding any other provision of this section, any insured individual whose eligibility for group long-term care coverage is based upon his or her relationship to another person, shall be entitled to continuation of coverage under the group policy upon termination of the qualifying relationship by death or dissolution of marriage.

11) For the purposes of this Section: a "Managed-Care Plan" is a health care or assisted living

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arrangement designed to coordinate patient care or control costs through utilization review, case management or use of specific provider networks.

e) No long-term care insurance policy shall:

- 1) be cancelled, nonrenewed or otherwise terminated on grounds of the age or deterioration of the mental or physical health of the insured individual or certificateholder;
- 2) contain a provision establishing a new waiting period in the event existing coverage is converted to or replaced by a new or other form within the same company, except with respect to an increase in benefits voluntarily selected by the insured individual or group policyholder;
- 3) provide coverage for skilled nursing care only or provide significantly more coverage for skilled care in a facility than coverage for lower levels of care.

Section 2012.60 Required Disclosure Provisions

a) Renewability. Individual long-term care insurance policies shall contain a renewability provision. Such provision shall be captioned, as a Renewal, shall appear on the first page of the policy, and shall clearly state the duration, where limited, of renewability and the duration of the term of coverage for which the policy is issued and of which it may be renewed. This provision shall not apply to policies which do not contain a renewability provision and under which the right to renew is reserved solely to the policyholder.

b) Riders and Endorsements. Except for riders or endorsements by which the insurer effectuates a request made in writing by the insured under an individual long-term care insurance policy, all riders or endorsements added to an individual long-term care insurance policy after date of issue or at reinstatement or renewal which reduce or eliminate benefits or coverage in the policy shall require signed acceptance by the individual insured. After the date of policy issue, any rider or endorsement which increases benefits or coverage with a

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concomitant increase in premium during the policy term must be agreed to in writing signed by the insured, except if the increased benefits or coverage are required by law. Where a separate additional premium is charged for benefits provided in connection with riders or endorsements, such premium charge shall be set forth in the policy, rider or endorsement.

- c) Payment of Benefits. A long-term care insurance policy or certificate which provides for the payment of benefits based on standards described as "usual and customary," "reasonable and customary" or words of similar import shall include a definition of such terms and an explanation of such terms in its accompanying outline of coverage.

- d) Preexisting Conditions: If a long-term care insurance policy or certificate contains any limitations with respect to preexisting conditions, such limitations shall appear as a separate paragraph of the policy or certificate and shall be labeled "Preexisting Condition Limitations." Limitations to preexisting conditions shall be in accordance with Section 351A-5 of the Illinois Insurance Code (Ill. Rev. Stat. ch. 73, par. 963A-5, as added by P.A. 85-1172, effective August 12, 1988).

- e) Other Limitations or Conditions on Eligibility for Benefits. In addition to complying with Section 351A-6 of the Illinois Insurance Code, beginning August 30, 1990, a long-term care insurance policy or certificate containing any limitations or conditions for eligibility other than those prohibited in Section 351A-6 shall set forth a description of such limitations or conditions, including any required number of days of confinement in a separate paragraph of the policy or certificate and shall label such paragraph "Limitations or Conditions on Eligibility for Benefits."

- f) Disclosure Requirements for Accelerated Life Products

1) Policy Summary

At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of

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direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make such delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

- A) an explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;
 - B) an illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;
 - C) any exclusions, reductions and limitations on benefits of long-term care; and
 - D) if applicable to the policy type, the summary shall also include:
 - i) disclosure of the effects of exercising other rights under the policy;
 - ii) disclosure of guarantees related to long-term care costs of insurance charges; and
 - iii) current and projected maximum lifetime benefits.
- 2) Benefit Reports
- Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policyholder. Such report shall include:
- A) any long-term care benefits paid during the month;
 - B) an explanation of any changes in the policy, including changes in death benefits or cash values, due to long-term care benefits being paid out; and

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- C) the amount of long-term care benefits existing or remaining.

3) Outline of Coverage

The Outline of Coverage should include an example filled out in John Doe form which illustrates how the long-term care benefit is calculated. Refer to Section 2012.110 and Exhibit C for format and content requirements.

Section 2012.70 Minimum Standards for Home Health Care Benefits in Long-Term Care Insurance Policies

- a) A long-term care insurance policy or certificate may not, if it provides benefits for home health care services, limit or exclude benefits:
- 1) By requiring that the insured/claimant would need skilled care in a skilled nursing facility if home health care services were not provided;
 - 2) By requiring that the insured/claimant first or simultaneously receive nursing and/or therapeutic services in a home or community setting before home health care services are covered;
 - 3) By limiting eligible services to services provided by registered nurses or licensed practical nurses;
 - 4) By requiring that a nurse or therapist provide services covered by the policy that can be provided by a home health aide, or other licensed or certified home care worker acting within the scope of his or her licensure or certification;
 - 5) By requiring that the insured/claimant have an acute condition before home health care services are covered;
 - 6) By limiting benefits to services provided by Medicare-certified agencies or providers.
- b) Home health care coverage may be applied to the nonhome health care benefits provided in the policy or certificate when determining maximum coverage under the terms of the policy or certificate.

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Section 2012.80 Requirement to Offer Inflation Protection

- a) No insurer may offer a long-term care insurance policy unless the insurer also offers to the policyholder the option to purchase a policy that provides for benefit levels to increase with benefit maximums or reasonable durations which are meaningful to account for reasonably anticipated increases in the costs of long-term care services covered by the policy. Insurers must offer to each policyholder, at the time of purchase, the option to purchase a policy with an inflation protection feature no less favorable than one of the following:
- 1) Increases benefit levels annually, (in a manner so that the increases are compounded annually);
 - 2) Guarantees the insured individual the right to periodically increase benefit levels without providing evidence of insurability or health status so long as the option for the previous period has not been declined; or
 - 3) Covers a specified percentage of actual or reasonable charges.
- b) Where the policy is issued to a group, the required offer in subsection (a) above shall be made to the group policyholder; except, if the policy is issued to a discretionary group other than to a continuing care retirement community, the offering shall be made to each proposed certificateholder.
- c) The offer in subsection (a) above shall not be required of:
- 1) Life insurance policies or riders containing accelerated long-term care benefits, nor
 - 2) Expense incurred long-term care insurance policies.
- d) Insurers shall include the following information in or with the outline of coverage:
- 1) A graphic comparison of the benefit levels of a policy that increases benefits over the policy period with a policy that does not increase

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benefits. The graphic comparison shall show benefit levels over at least a twenty (20) year period.

- 2) Any expected premium increases or additional premiums to pay for automatic or optional benefit increases. If premium increases or additional premiums will be based on the attained age of the applicant at the time of the increase, the insurer shall also disclose the magnitude of the potential premiums the applicant would need to pay at ages 75 and 85 for benefit increases.
- 3) An insurer may use a reasonable hypothetical or a graphic demonstration for the purposes of this disclosure.

Section 2012.90 Requirements for Replacement

- a) Question Concerning Replacement. Individual and direct response solicited long-term care insurance application forms shall include a question designed to elicit information as to whether the proposed insurance policy is intended to replace any other accident and sickness or long-term care insurance policy presently in force. A supplementary application or other form to be signed by the applicant containing such a question may be used.
- b) Solicitations Other than Direct Response. Upon determining that a sale will involve replacement, an insurer, other than an insurer using direct response solicitation methods, or its agent, shall furnish the applicant, prior to issuance or delivery of the individual long-term care insurance policy, a notice regarding replacement of accident and sickness or long-term care coverage. One copy of such notice shall be retained by the applicant and an additional copy signed by the applicant shall be retained by the insurer. The required notice shall be provided in the following manner set forth in Exhibit A.
- c) Direct Response Solicitations. Insurers using direct response solicitation methods shall deliver a notice regarding replacement of accident and sickness or long-term care coverage to the applicant upon issuance

of the policy. The required notice shall be provided in the manner set forth in Exhibit B.

Section 2012.100 Filing Requirement

Prior to an insurer offering group long-term care insurance to a resident of this State pursuant to Section 351A-2 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-2, added by P.A. 85-1172, effective August 12, 1988), it shall file with the Director evidence that the group policy or certificate thereunder has been approved by a state that has adopted the National Association of Insurance Commissioners' model legislation on Long-Term Care Insurance and attendant regulations, 120 West 12th Street, Suite 1100, Kansas City, Missouri 64105 (1990) (no subsequent dates or editions).

Section 2012.110 Loss Ratio

Benefits under group and individual direct response and individual long-term care insurance policies shall be deemed reasonable in relation to premiums provided the lifetime anticipated loss ratio is at least sixty percent, calculated on the basis of the ratio of the present value of the expected benefits to the present value of the expected premiums over the entire period for which rates are computed to provide coverage. In evaluating the lifetime anticipated loss ratio, consideration shall be given to the following factors:

- a) Statistical credibility of incurred claims experience based on the following factors: claim rates, variability in transaction costs, and number of lives exposed.
- b) The period for which rates are computed to provide coverage;
- c) Experienced and projected trends;
- d) Concentration of experience within early policy duration;
- e) Expected claim fluctuation;
- f) Experience refunds, adjustments or dividends;
- g) Renewability features;
- h) Interest;

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- i) Experimental nature of the coverage;
- j) Product features such as long elimination periods (period between when the claim arises and insured is eligible to receive benefits), high deductibles and high maximum limits.

Section 2012.120 Reserve Standards

- a) When long-term care benefits are provided through the acceleration of benefits under group and individual life policies or riders to such policies, active life reserves for such benefits shall be determined in accordance with Section 223 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 835). Claim reserves must also be established in the case when such policy or rider is in claim status (see 50 Ill. Adm. Code 2004.40). Reserves for policies and riders subject to this paragraph should be based on the multiple decrement model. Single decrement approximations are acceptable if the calculation produces reserves that are greater than or equal to the reserves that are produced by the multiple decrement model. The calculations may take into account the reduction in life insurance benefits due to the payment of long-term care benefits. In the development and calculation of reserves for policies and riders subject to this paragraph, due regard shall be given to the applicable policy provisions, marketing methods, administrative procedures and all other considerations which have an impact on projected claim costs, including, but not limited to, the following:

- 1) Definition of insured events
- 2) Covered long term care facilities
- 3) Existence of home convalescence care coverage
- 4) Definition of facilities
- 5) Existence or absence of barriers to eligibility
- 6) Premium waiver provision
- 7) Renewability
- 8) Ability to raise premiums
- 9) Marketing method
- 10) Underwriting procedures
- 11) Claims adjustment procedures
- 12) Waiting period
- 13) Maximum benefit
- 14) Availability of eligible facilities

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- 15) Margins in claim costs
- 16) Optional nature of benefit
- 17) Delay in eligibility for benefit
- 18) Inflation protection provisions
- 19) Guaranteed insurability option

- b) The valuation morbidity table shall be accompanied by a statement declaring it as appropriate as a statutory valuation table by a member of the American Academy of Actuaries.
- c) When long-term care benefits are provided other than as in subsection a) above, reserves shall be determined in accordance with Section 353a of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 965a).

Section 2012.130 Standard Format Outline of Coverage Requirements

This Section implements, interprets and makes specific the provisions of Section 351A-8 of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, par. 963A-8, as added by P.A. 85-1172, effective August 12, 1988) in prescribing a standard format and the content of an outline of coverage.

- a) The outline of coverage shall be a free-standing document, using no smaller than ten point type.
- b) The outline of coverage shall contain no material not contained within the policy itself.
- c) Text which is capitalized or underscored in the standard format outline of coverage may be emphasized by other means which provide prominence equivalent to such capitalization or underscoring.
- d) Use of the text and sequence of text of the standard format outline of coverage is mandatory.
- e) The standard format, including style, arrangement and overall appearance, and the content of an outline of coverage appears in Exhibit C.

2012. Exhibit A Replacement Notice for Other Than Direct Response Solicitations

**NOTICE TO APPLICANT REGARDING REPLACEMENT
OF INDIVIDUAL ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE**

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with an individual long-term care insurance policy to be issued by [Company Name] Insurance Company. Your new policy provides ten (10) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.

3. If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, be certain to truthfully and completely answer all questions on the application concerning your medical health history. Failure to include all material medical information on an application may provide a basis for the company to deny any future claims and to refund your premium as though your policy had never been in force. After the application has been completed and before you sign it, reread it carefully to be certain that all information has been properly recorded.

The above "Notice to Applicant" was delivered to me on:

(Date)

(Applicant's Signature)

2012. Exhibit B Replacement Notice for Direct Response Solicitations

**NOTICE TO APPLICANT REGARDING REPLACEMENT
OF ACCIDENT AND SICKNESS OR LONG-TERM CARE INSURANCE**

According to [your application] [information you have furnished], you intend to lapse or otherwise terminate existing accident and sickness or long-term care insurance and replace it with the long-term care insurance policy delivered herewith issued by [Company Name] Insurance Company. Your new policy provides thirty (30) days within which you may decide, without cost, whether you desire to keep the policy. For your own information and protection, you should be aware of and seriously consider certain factors which may affect the insurance protection available to you under the new policy.

1. Health conditions which you may presently have (preexisting conditions), may not be immediately or fully covered under the new policy. This could result in denial or delay in payment of benefits under the new policy, whereas a similar claim might have been payable under your present policy.
2. You may wish to secure the advice of your present insurer or its agent regarding the proposed replacement of your present policy. This is not only your right, but it is also in your best interest to make sure you understand all the relevant factors involved in replacing your present coverage.
3. [To be included only if the application is attached to the policy.] If, after due consideration, you still wish to terminate your present policy and replace it with new coverage, read the copy of the application attached to your new policy and be sure that all

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questions are answered fully and correctly. Omissions or misstatements in the application could cause an otherwise valid claim to be denied. Carefully check the application and write to [Company Name and Address] within thirty (30) days if any information is not correct and complete, or if any past medical history has been left out of the application.

(Company Name)

2012. Exhibit C Standard Format Outline of Coverage

[COMPANY NAME]

[ADDRESS - CITY & STATE]

[TELEPHONE NUMBER]

LONG-TERM CARE INSURANCE

OUTLINE OF COVERAGE

[Policy Number or Group Master Policy and Certificate Number]

1. This policy is [an individual policy of insurance] [a group policy] which was issued in the [indicate jurisdiction in which group policy was issued].
2. PURPOSE OF OUTLINE OF COVERAGE. This outline of coverage provides a very brief description of the important features of the policy. You should compare this outline of coverage to outlines of coverage for other policies available to you. This is not an insurance contract, but only a summary of coverage. Only the individual or group policy contains governing contractual provisions. This means that the policy or group policy sets forth in detail the rights and obligations of both you and the insurance company. Therefore, if you purchase this coverage, or any other coverage, it is important that you READ YOUR POLICY (OR CERTIFICATE) CAREFULLY!
3. TERMS UNDER WHICH THE POLICY OR CERTIFICATE MAY BE RETURNED AND PREMIUM REFUNDED.

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- (a) [Provide a brief description of the right to return -- "free look" provision of the policy.]
- (b) [Include a statement that the policy either does or does not contain provisions providing for a refund or partial refund of premium upon the death of an insured or surrender of the policy or certificate. If the policy contains such provisions, include a description of them.]

4. THIS IS NOT MEDICARE SUPPLEMENT COVERAGE. If you are eligible for Medicare, review the Medicare Supplement Buyer's Guide available from the insurance company.

- (a) [For agents] Neither [insert company name] nor its agents represent Medicare, the federal government or any state government.
- (b) [For direct response] [insert company name] is not representing Medicare, the federal government or any state government.

5. LONG-TERM CARE COVERAGE. Policies of this category are designed to provide coverage for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital, such as in a nursing home, in the community or in the home.

This policy provides coverage in the form of a fixed dollar indemnity benefit for covered long-term care expenses, subject to policy [limitations] [waiting periods] and [coinsurance] requirements. [Modify this paragraph if the policy is not an indemnity policy.]

6. BENEFITS PROVIDED BY THIS POLICY.

- (a) [Covered services, related deductible(s), waiting periods, elimination periods and benefit maximums.]
- (b) [Institutional benefits, by skill level.]
- (c) [Non-institutional benefits, by skill level.]

[Any benefit screens must be explained in this Section. If these screens differ for different benefits, explanation of

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the screen should accompany each benefit description. If an attending physician or other specified person must certify a certain level of functional dependency in order to be eligible for benefits, this too must be specified. If activities of daily living (ADLs) are used to measure an insured's need for long-term care, then these qualifying criteria or screens must be explained.]

7. LIMITATIONS AND EXCLUSIONS.

[Describe:

- (a) Preexisting conditions;
- (b) Non-eligible facilities/provider;
- (c) Non-eligible levels of care (e.g., unlicensed providers, care or treatment provided by a family member, etc.);
- (d) Exclusions/exceptions;
- (e) Limitations.]

[This Section should provide a brief specific description of any policy provisions which limit, exclude, restrict, reduce, delay, or in any other manner operate to qualify payment of the benefits described in (6) above.]

THIS POLICY MAY NOT COVER ALL THE EXPENSES ASSOCIATED WITH YOUR LONG-TERM CARE NEEDS.

8. RELATIONSHIP OF COST OF CARE AND BENEFITS. Because the costs of long-term care services will likely increase over time, you should consider whether and how the benefits of this plan may be adjusted. [As applicable, indicate the following:

- (a) That the benefit level will not increase over time;
- (b) Any automatic benefit adjustment provisions;
- (c) Whether the insured will be guaranteed the option to buy additional benefits and the basis upon which benefits will be increased over time if not by a specified amount or percentage;

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- (d) If there is such a guarantee, include whether additional underwriting or health screening will be required, the frequency and amounts of the upgrade options, and any significant restrictions or limitations;

- (e) And finally, describe whether there will be any additional premium charge imposed, and how that is to be calculated.]

9. TERMS UNDER WHICH THE POLICY (OR CERTIFICATE) MAY BE CONTINUED IN FORCE OR DISCONTINUED.

- (a) Describe the policy renewability provisions;
- (b) For group coverage, specifically describe continuation/conversion provisions applicable to the certificate and group policy;
- (c) Describe waiver of premium provisions or state that there are not such provisions.
- (d) [State whether or not the company has a right to change premium, and if such a right exists, describe clearly and concisely each circumstance under which premium may change.]

10. ALZHEIMER'S DISEASE AND OTHER ORGANIC BRAIN DISORDERS.

[State that the policy provides coverage for insureds clinically diagnosed as having Alzheimer's disease or related degenerative and dementing illnesses. Specifically describe each benefit screen or other policy provision which provides preconditions to the availability of policy benefits for such an insured.]

11. PREMIUM.

- [(a) State the total annual premium for the policy;
- (b) If the premium varies with an applicant's choice among benefit options, indicate the portion of annual premium which corresponds to each benefit option.]

12. ADDITIONAL FEATURES.

- [(a) Indicate if medical underwriting is used;
- (b) Describe other important features.]

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- 1) The Heading of the Part: AID TO FAMILIES WITH DEPENDENT CHILDREN
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Adopted Action:
 112.110 Amendment
 112.151 Amendment
- 4) Statutory Authority: Sections 4-1.6, 4-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 4-1.6, 4-2 and 12-13)
- 5) Effective Date of Adopted Amendments: June 20, 1990
- 6) Does this rulemaking contain an automatic repeal date?
 Yes ☐ No ☒
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 20, 1990
- 9) Notices of Proposal Published in Illinois Register: March 16, 1990 (14 Ill. Reg. 4054)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No Substantive changes were made to the text of these Amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.9	Amendment	February 23, 1990 (14 Ill. Reg. 2798)
112.70	Amendment	January 19, 1990 (14 Ill. Reg. 1123)

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Section Numbers	Proposed Action	Illinois Register Citation
112.71	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.72	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.74	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.76	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.77	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.80	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.82	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.83	Renumbered and Amended	January 19, 1990 (14 Ill. Reg. 1123)
112.110	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.130	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.131	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.141	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.143	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.145	Amendment	April 20, 1990 (14 Ill. Reg. 5695)
112.147	Amendment	April 20, 1990 (14 Ill. Reg. 5695)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.151	Amendment	June 15, 1990 (14 Ill. Reg. 9291)
112.308	Amendment	January 19, 1990 (14 Ill. Reg. 1123)
112.315	Renumbered	March 16, 1990 (14 Ill. Reg. 4054)
112.330	Amendment	April 27, 1990 (14 Ill. Reg. 5923)
112.332	Amendment	April 27, 1990 (14 Ill. Reg. 5923)
112.350	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.352	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.354	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.356	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.358	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.360	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.362	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.364	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.366	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.400	New Section	January 19, 1990 (14 Ill. Reg. 1123)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
112.402	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.404	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.406	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.408	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.410	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.412	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.414	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.416	New Section	January 19, 1990 (14 Ill. Reg. 1123)
112.418	New Section	January 19, 1990 (14 Ill. Reg. 1123)

15) Summary and Purpose of Adopted Amendments: Public Law 100-383 provides for the United States government to make restitution payments to Japanese-Americans or Aleutians or their survivors who were relocated or interned during World War II. These payments which will be made in early 1990 are exempt from consideration as both income and assets for Medical Assistance - Grant and Medical Assistance - No Grant cases.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Telephone: (217) 782-1233

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DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
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SUBCHAPTER b: ASSISTANCE PROGRAMS

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- peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981.

amended at 5 Ill. Reg. 10733, effective October 1, 1981;
amended at 5 Ill. Reg. 10760, effective October 1, 1981;
amended at 5 Ill. Reg. 10767, effective October 1, 1981;

16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 12293, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 1139, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill.

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Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984 for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889,

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effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.110 Exempt Unearned Income

- a) The following unearned income shall be exempt from consideration in determining eligibility and the level of assistance payment.
 - 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
 - 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
 - 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
 - 4) Any per capita judgment funds paid under Public Law P. L. 92-254 to members of the Blackfeet

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Section 112.110 Exempt Unearned Income (Cont'd)

Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);

- 5) Any benefits received under Title III, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e)
- 6) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act, as amended;
- 7) Income received under the provisions of the Illinois-Senior-Citizens-and-Disabled-Persons-Property-Tax-Relief-Act Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Ill. Rev. Stat. 1985, 1987, ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- 8) Payments to volunteers under the 1973 Domestic Volunteer Service Act (48 U.S.C. 5044 (q)). These include:
 - A) Vista Volunteers,
 - B) Volunteers serving as senior health aids, senior companions, or foster grandparents,
 - C) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE).
- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.
- 10) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections [a][1] through [a][10] above) of up

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NOTICE OF ADOPTED AMENDMENTS

Section 112.110 Exempt Unearned Income (Cont'd)

to \$30 per person per quarter.

- b) The following additional unearned income shall be exempt:
 - 1) Social Security death benefit expended on a funeral and/or burial.
 - 2) The value of home produce which is used for personal consumption.
 - 3) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended, (42 U.S.C. 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C. 1760).
 - 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under Public Laws 92-254, 93-134 or 94-450 (25 U.S.C. 1407)
 - 5) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1626)
 - 6) Experimental Housing Allowance Program payments made under Annual Contributions Contracts entered into prior to January 1, 1975 under Section 23 of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437 (f)).
 - 7) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected, in a month.
 - 8) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989b-8).
 - 9) Any payments received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10379, effective June 20, 1990)

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Section 112.151 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) A home which is the usual residence of the assistance unit.
- 2) Clothing, personal effects and household furnishings.
- 3) One automobile if the equity value does not exceed \$1500.
- 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 USE U.S.C. 2011 et seq.).
- 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 USE U.S.C. 1771 et seq.) as amended, and the special food service program for children under the National School Lunch Act (42 USE U.S.C. 1751 et seq.), as amended.
- 7) The principal and interest of a trust fund which, upon petition, the court refuses to release and one time only payments released for a specific purpose other than income maintenance needs of the child.

8) Burial plots.

9) Prepaid Funeral Agreements worth \$1500 or less per person.

10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

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Section 112.151 Exempt Assets (Cont'd)

b) In addition to the above, the following assets are exempt. These assets (listed in (1) through (9) below) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset(s) until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 USE U.S.C. 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USE U.S.C. 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under Public-Law P. L. 92-254, Public-Law P. L. 93-134 or Public-Law-P. L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 USE U.S.C. 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 USE U.S.C. 5301 et seq.), effective January 1, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments to Volunteers under the 1973 Domestic Volunteer Service Act (42 USE U.S.C. 4951 et seq.). These include:

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Section 112.151

Exempt Assets (Cont'd)

- volunteers (42 USC U.S.C. 4951 et seq.)
- A) Volunteers In Service To America (Vista)
- B) Volunteers serving as senior health aids, senior companions, foster grandparents or persons serving in the Service Corps of Retired Executives (SCORE) (15 USC U.S.C. 637 et seq.) and Active Corps of Executives (ACE) (15 USC U.S.C. 637 et seq.).
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the Commissioner of Education.
- 10) Any payments received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 USC. 1989b thru 1989b-8).
- 11) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10379 effective June 20, 1990)

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- 1) The Heading of the Part: MEDICAL ASSISTANCE PROGRAMS
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Numbers: Adopted Action:
120.235 Amendment
120.281 Amendment
- 4) Statutory Authority: Sections 5-4 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-4 and 12-13)
- 5) Effective Date of Adopted Amendments: June 20, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 20, 1990
- 9) Notices of Proposal Published in Illinois Register: March 16, 1990 (14 Ill. Reg. 4081)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: No substantive changes were made to the text of these Amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|---------------------------------------|
| 120.11 | Amendment | April 20, 1990
(14 Ill. Reg. 5724) |
| 120.31 | Amendment | April 20, 1990
(14 Ill. Reg. 5724) |

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.60	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.64	Amendment	April 20, 1989 (14 Ill. Reg. 5724)
120.70	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.72	Amendment	January 12, 1990 (14 Ill. Reg. 558)
120.76	New Section	January 12, 1990 (14 Ill. Reg. 558)
120.208	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.308	Amendment	February 23, 1990 (14 Ill. Reg. 2831)
120.370	Amendment	April 29, 1990 (14 Ill. Reg. 5954)
120.390	Amendment	April 20, 1990 (14 Ill. Reg. 5724)
120.391	Amendment	April 20, 1990 (14 Ill. Reg. 5724)

15) Summary and Purpose of Adopted Amendments: Public Law 100-383 provides for the United States government to make restitution payments to Japanese-Americans or Aleutians or their survivors who were relocated or interned during World War II. These payments which will be made in early 1990 are exempt from consideration as both income and Medical Assistance - Grant and Medical Assistance - No Grant cases.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

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The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 120

MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section

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SUBPART B: ASSISTANCE STANDARDS

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120.20 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.40 Exceptions To Use Of MANG Income Standard
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SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

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120.60 All Cases Other Than Intermediate Care, Skilled Nursing Care, DMHDD, DMHDD Approved Community Based Settings and Pregnant Women and Children Under Age Six Who Do Not Qualify As Mandatory Categorically Needy
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD - MANG(AABD)
120.62 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings Under 89 Ill. Adm. Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD) Approved Home and Community Based Residential Settings
120.64 Pregnant Women and Children Under Age Six Years Who Do Not Qualify As Mandatory Categorically Needy

SUBPART D: SUPPLEMENTARY MEDICAL INSURANCE

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SUBPART E: RECIPIENT RESTRICTION PROGRAM

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SUBPART F: MIGRANT MEDICAL PROGRAM

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120.390	Persons Who May Be Included in the Assistance Unit
120.391	Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Under Age Six
120.392	Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393	Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project.
120.395	Payment Levels for MANG
120.399	Redetermination of Eligibility
AUTHORITY: Implementing Articles III, IV, V, VI and VII and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987-1989, CH--ch. 23, PARS--pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).	
SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory	

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amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

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peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; peremptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988;

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amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section 120.235 Exempt Unearned Income

The following unearned income shall be exempt from consideration in determining AMI eligibility.

- a) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

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Section 120.235 Exempt Unearned Income (Cont'd)

- b) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- c) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- d) Any per capita judgment funds paid under Public Law 92-254 to members of the Blackfeet Tribe of the Blackfeet Indian Reservation, Montana and the Gros Ventre Tribe of the Fort Belknap Reservation, Montana (25 U.S.C. 1264);
- e) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3030e);
- f) Any compensation provided to individual volunteers under the Retired Senior Volunteer Program (42 U.S.C. 5001) and the Foster Grandparent Program and Older Americans Community Service Programs established under Title II of the Domestic Volunteer Service Act (42 U.S.C. 5001 thru 5023), as amended;
- g) Income in an amount not greater than \$650 received by a beneficiary of life insurance which is expended on the funeral and burial of an insured recipient;
- h) Income received under the provisions of the Illinois Senior Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief Act and Pharmaceutical Assistance Act (Ill. Rev. Stat. 1981-Ch. 1987, ch. 67 1/2, par. 404 (c)). This includes both the benefits commonly known as the circuit breaker and "additional grants";
- i) Payments to volunteers under the 1973 Domestic Volunteer Service Act. (48 U.S.C. 5044 (a)). These include:

- 1) Vista Volunteers (For AMI the income is exempt if the client was receiving public assistance at the time of becoming a Vista Volunteer.)
- 2) Volunteers serving as senior health aids, senior companions, or foster grandparents.

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Section 120.235 Exempt Unearned Income (Cont'd)

- 3) Persons serving in the Service Corps of Retired Executives (SCORE) or the Active Corps of Executives (ACE).

j) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act.

k) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989c-8).

l) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10396, effective June 20, 1990)

Section 120.281 Exempt Assets

The following assets are exempt from consideration in determining eligibility for AMI.

- a) A home which is the usual residence of the assistance unit.
- b) Clothing, personal effects and household furnishings.
- c) One automobile if the equity value does not exceed \$1500.
- d) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).
- e) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- f) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) as amended, and the special food service program for child under the National School Lunch Act, as amended.

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NOTICE OF ADOPTED AMENDMENTS

Section 120.281 Exempt Assets (Cont'd)

- g) Donations or benefits from fund raisers held for a seriously ill client providing the client or responsible relative of the client does not have control (e.g., not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.

h) Any payment received under Title I of P. L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b thru 1989c-8).

i) Any payment received under Title II of P. L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c thru 1989c-8).

(Source: Amended at 14 Ill. Reg. 10396, effective June 20, 1990)

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1) The Heading of the Part: MEDICAL PAYMENT2) Code Citation: 89 Ill. Adm. Code 1403) Section Numbers: Adopted Action:

140.420 Amendment
140.421 Amendment
140. Table D Amendment

4) Statutory Authority: Sections 5-5 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5 et seq. and 12-13)5) Effective Date of Adopted Amendments: June 19, 19906) Does this rulemaking contain an automatic repeal date?

Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No8) Date Filed in Agency's Principal Office: June 19, 19909) Notices of Proposal Published in Illinois Register:

January 26, 1990 (14 Ill. Reg. 1570)

10) Has JCAR issued a Statement of Objections to this rule? No11) Differences between proposal and final version: No changes were made to this rulemaking since the First Notice.12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes13) Will these Amendments replace Emergency Amendments currently in effect? No14) Are there any Amendments pending on this Part? NoSection Numbers Proposed Action Illinois Register Citation

140.7 Amendment April 20, 1990
(14 Ill. Reg. 5726)

140.24 Amendment April 13, 1990
(14 Ill. Reg. 5417)

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers Proposed Action Illinois Register Citation

140.413 Amendment March 30, 1990
(14 Ill. Reg. 4860)

140.461 Amendment April 20, 199
(14 Ill. Reg. 5726)

140.462 Amendment April 20, 1990
(14 Ill. Reg. 5726)

140.463 Amendment April 20, 1990
(14 Ill. Reg. 5726)

140.475 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.476 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.477 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.478 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.479 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.480 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.481 Amendment September 29, 1989
(13 Ill. Reg. 15281)

140.525 Amendment November 17, 1989
(13 Ill. Reg. 17667)

140.526 Amendment November 17, 1989
(13 Ill. Reg. 17667)

140.528 Amendment November 17, 1989
(13 Ill. Reg. 17667)

140.542 Amendment March 23, 1990
(14 Ill. Reg. 4415)

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NOTICE OF ADOPTED AMENDMENTS

Section Numbers	Proposed Action	Illinois Register Citation
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Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

140.543	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.545	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.642	Amendment	March 2, 1990 (14 Ill. Reg. 3019)
140.646	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.647	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.648	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.649	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.650	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140.652	Amendment	March 23, 1990 (14 Ill. Reg. 4415)
140. Table H	Amendment	March 2, 1990 (14 Ill. Reg. 3019)

15) Summary and Purpose of Adopted Amendments: This rulemaking addresses the provision of two dental services, cleanings and gum treatments, which have not been covered for adults but which will now be covered for those adults who reside in ICF/DD facilities.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Dan Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

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NOTICE OF ADOPTED AMENDMENTS

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

Effect of Termination on Individuals Associated with Vendor

Application to Participate or for Reinstatement
Subsequent to Termination, Suspension or Barring
Submittal of Claims
Covered Medicaid Services for Qualified Medicare
Beneficiaries (QMBs)

Magnetic Tape Billings
Payment of Claims
Payment Procedures
Overpayment or Underpayment of Claims
Payment to Factors Prohibited
Assignment of Vendor Payments
Record Requirements for Medical Providers
Audits

False Reporting and Other Fraudulent Activities
Prior Approval for Medical Services or Items
Prior Approval in Cases of Emergency
Limitation on Prior Approval
Post Approval for items or Services When Prior
Approval Cannot Be Obtained

Drug Manual (Recodified)
Drug Manual (Recodified)
Drug Manual Updates (Recodified)

SUBPART C: HOSPITAL SERVICES

Hospital Services (Recodified)
Participation (Recodified)
General Requirements (Recodified)
Special Requirements (Recodified)
Covered Hospital Services (Recodified)
Hospital Services Not Covered (Recodified)
Limitation On Hospital Services (Recodified)
Transplants (Recodified)
Heart Transplants (Recodified)
Liver Transplants (Recodified)
Bone Marrow Transplants (Recodified)
Disproportionate Share Hospital Adjustments
(Recodified)
Payment for Inpatient Services for GA (Recodified)
Hospital Outpatient and Clinic Services (Recodified)
Payment for Hospital Services During Fiscal Year
1982 (Recodified)
Payment for Hospital Services After June 30, 1982
(Repealed)

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Section

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SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Enrollment Conditions for Medical Providers
Participation Requirements for Medical Providers
Definitions
Denial of Application to Participate in the Medical
Assistance Program
Recovery of Money
Termination of a Vendor's Eligibility to Participate
in the Medical Assistance Program
Suspension of a Vendor's Eligibility to Participate
in the Medical Assistance Program

Section

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Section		Section	
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)	140.417	Limitations on Optometric Services
140.203	Limits on Length of Stay by Diagnosis (Recodified)	140.418	Department of Corrections Laboratory
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)	140.420	Dental Services
140.350	Copayments (Recodified)	140.421	Limitations on Dental Services
140.360	Payment Methodology (Recodified)	140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
140.361	Non-Participating Hospitals (Recodified)	140.425	Podiatry Services
140.362	Pre July 1, 1989 Services (Recodified)	140.426	Limitations on Podiatry Services
140.363	Post June 30, 1989 Services (Recodified)	140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.364	Prepayment Review (Recodified)	140.428	Chiropractic Services
140.365	Base Year Costs (Recodified)	140.429	Limitations on Chiropractic Services (Repealed)
140.366	Restructuring Adjustment (Recodified)	140.430	Independent Laboratory Services
140.367	Inflation Adjustment (Recodified)	140.431	Services Not Covered by Independent Laboratory
140.368	Volume Adjustment (Repealed)	140.432	Limitations on Independent Laboratory Services
140.369	Groupings (Recodified)	140.433	Payment for Laboratory Services
140.370	Rate Calculation (Recodified)	140.434	Record Requirements for Independent Laboratories
140.371	Payment (Recodified)	140.440	Pharmacy Services
140.372	Review Procedure (Recodified)	140.441	Pharmacy Services Not Covered
140.373	Utilization (Repealed)	140.442	Prior Approval of Prescriptions
140.374	Alternatives (Recodified)	140.443	Filling of Prescriptions
140.375	Exemptions (Recodified)	140.444	Compounded Prescriptions
140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)	140.445	Prescription Items (Not Compounded)
140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)	140.446	Over-the-Counter Items
140.391	Definitions (Recodified)	140.447	Reimbursement
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)	140.448	Returned Pharmacy Items
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)	140.449	Payment of Pharmacy Items
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)	140.450	Record Requirements for Pharmacies
140.398	Hearings (Recodified)	140.452	Mental Health Clinic Services
		140.453	Definitions
		140.454	Types of Mental Health Clinic Services
		140.455	Payment for Mental Health Clinic Services
		140.456	Hearings
		140.460	Clinic Services
		140.461	Clinic Participation Requirements
		140.462	Covered Services in Clinics
		140.463	Encounter Rate Clinic Payment
		140.464	Psychiatric Clinics (Hospital-based)
		140.465	Speech and Hearing Clinics
		140.466	Rural Health Clinics
		140.467	Independent Clinics
		140.469	Hospice
		140.470	Home Health Services
		140.471	Home Health Covered Services
		140.472	Types of Home Health Services
		140.473	Prior Approval for Home Health Services
		140.474	Payment for Home Health Services

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Optometric Services and Materials

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140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medicheck Services
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SUBPART E: GROUP CARE

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140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
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140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
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140.516	Recipient Management of Funds
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140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
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140.537	Payments to Related Organizations
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140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
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140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care (Repealed)
140.566	Level I Incentive Payments (Repealed)
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140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
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140.574 Capital Costs for Rented Facilities
140.575 Newly Constructed Facilities (Repealed)
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140.578 Property Taxes
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140.580 Mandated Capital Improvements
140.581 Qualifying as Mandated Capital Improvement
140.582 Cost Adjustments
140.583 Campus Facilities
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140.590 Audit and Record Requirements
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140.643 In-Home Care Program
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140.646 Reimbursement for Developmental Training for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647 Description of Developmental Training Service Levels
140.648 Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649 Effective Dates of Reimbursement for Day Programs
140.650 Certification of Day Programs
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140.652 Terms of Assurances and Contracts
140.680 Effective Date Of Payment Rate
140.700 Discharge of Long Term Care Residents
140.830 Appeals of Rate Determinations
140.835 Determination of Cap on Payments for Long Term Care

SUBPART F: POINT COUNT GUIDELINES FOR ICF/MR AND SNF/PED FACILITIES

Section
140.850 Facility/Client Participation (Recodified)
140.855 Evaluation Of Need For Care (Recodified)
140.860 Payment (Recodified)
140.865 Definitions (Recodified)
140.870 Guidelines (Recodified)
140.875 Intermediate Care (ICF/MR) (Recodified)
140.880 Skilled Care (SNF/PED) (Recodified)
140.885 Statewide Rates (Recodified)
140.890 Reimbursement for ICF/MR-15 and Under Facilities (Recodified)

140.895 Night Shift Reimbursement (Recodified)

Section
140.896 Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)

SUBBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

Section
140.900 Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901 Functional Areas of Needs (Recodified)
140.902 Service Needs (Recodified)
140.903 Definitions (Recodified)
140.904 Times and Staff Levels (Repealed)
140.905 Statewide Rates (Repealed)
140.906 Reconsiderations (Recodified)
140.907 Midnight Census Report (Recodified)
140.908 Times and Staff Levels (Recodified)
140.909 Statewide Rates (Recodified)
140.910 Referrals (Recodified)
140.911 Basic Rehabilitation Aide Training Program (Recodified)

140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section
140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942 Definition of Terms (Recodified)
140.944 Notification of Negotiations (Recodified)
140.946 Hospital Participation in ICARE Program Negotiations (Recodified)

140.948 Negotiation Procedures (Recodified)
140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
140.952 Closing an ICARE Area (Recodified)
140.954 Administrative Review (Recodified)
140.956 Payments to Contracting Hospitals (Recodified)
140.958 Admitting and Clinical Privileges (Recodified)
140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)

140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964 Contract Monitoring (Recodified)

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Section
140.966
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Transfer of Recipients (Recodified)
Validity of Contracts (Recodified)
Termination of ICARE Contracts (Recodified)
Hospital Services Procurement Advisory Board
(Recodified)

TABLE A Medichesk Recommended Screening Procedures

TABLE B Health Service Areas

TABLE C Capital Cost Areas

TABLE D Schedule of Dental Procedures

TABLE E Time Limits for Processing of Prior Approval Requests

TABLE F Podiatry Service Schedule

TABLE G Travel Distance Standards

TABLE H Areas of Major Life Activity

TABLE I Staff Time and Allocation for Training Programs
(Recodified)

TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13).

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 3593, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 17868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg.

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7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22097, effective October 29, 1984; amended at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13938, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at

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10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140. Table H and 140. Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147. Table A and 147. Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 14271, effective August 29, 1988; 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475,

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effective February 14, 1989; amended at 13 Ill. Reg. 3059, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7025, effective April 24, 1989; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.420 Dental Services

- a) Payment for dental services shall be made only to licensed dentists. Payment for comprehensive orthodontic care shall be made only to a dentist licensed for provision of such services.
- b) Except for the "services not covered" specified below, payment shall be made for dental services that are:

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NOTICE OF ADOPTED AMENDMENTS

Section 140.420 Dental Services (Cont'd)

- 1) Necessary to relieve pain or infection. preserve teeth, or restore adequate dental function.
- 2) Diagnostic, preventive, or restorative services, endodontics, prosthodontics, orthodontics or oral surgery included in the Department's Schedule of Dental Procedures (see Table D at the end of this Part);

- 3) Performed by the dentist or under the direct supervision of the dentist.

c) Services for which payment shall not be made include:

- 1) Routine or periodic examination other than:
 - A) Initial examinations;
 - B) Required school examinations;
 - C) Periodic examinations for children with minimum of 12 months having elapsed since initial or previous periodic examination;
- 2) Partial dentures, bridges, pontics for adults (persons over age 20);
- 3) Orthodontics, posterior endodontics, apexification (a procedure to close an open end of a root) and ~~periodontics~~ for adults;
- 4) Experimental dental care;
- 5) Procedures performed only for cosmetic reasons;
- 6) Acrylic crown;
- 7) ~~prophylaxis-and-fluoride~~ Fluoride for adults;
- 8) Space maintainers for adults;
- 9) Alveoloplasty (surgical preparation of gum ridge

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Section 140.420 Dental Services (Cont'd)

for dentures) and frenulectomy (cutting through soft tissue impeding tongue movement) for adults.

(Source: Amended at 14 Ill. Reg. 10409, effective June 19, 1990)

Section 140.421 Limitations on Dental Services

a) Prior approval is required for:

- 1) Space maintainers (will not be approved if an adult as defined in Section 140.420);

- 2) Crowns;

- 3) Endodontics;

- 4) Periodontics;

- 5) Dentures;

- 6) Bridgework;

- 7) Orthodontics (to be approved, the procedure must be to treat a severe handicapping malocclusion or a handicapping dento-facial deformity);

- 8) Extraction of impacted teeth;

- 9) Alveoloplasty (will not be approved if an adult as defined in Section 140.420);

- 10) Cyst excisions;

- 11) Frenulectomy (will not be approved if an adult as defined in Section 140.420);

- 12) Analgesia (nitrous oxide);

- 13) Dental services not included in the Department's Schedule of Dental Procedures (See Table D at the end of this Part).

- b) The dentist may request post-approval when a dental procedure requiring prior approval is provided on an

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Section 140.421 Limitations on Dental Services (Cont'd.)
emergency basis. Approval of the procedures shall be given if, in the judgment of a consulting dentist of the Department or a consulting dental service, the procedure is necessary to prevent dental disease or to restore and maintain adequate dental function to assure good bodily health and the well-being of the patient.

- c) Payment for complete and partial dentures is limited to one set every three years; payment for a bridge is limited to once in five years. Bridgework will be reimbursed only if there has not been placement of a partial denture within the prior three years.
 - d) Root canals, apexification, and apicoectomy procedures are covered for children for anterior teeth, bicuspid, and permanent first molars. Root canals are covered for adults only for anterior teeth.
 - e) Periodontal treatment is covered for children and for those adults who reside in ICF/DD facilities.
 - e)f) Full mouth series of x-rays are covered only once every three years.
- (Source: Amended at 14 Ill. Reg. 10409, effective June 19, 1990)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section 140.421 Table D Schedule of Dental Procedures

- a) Diagnostic
 - 1) Clinical Oral Examinations
 - A) Initial oral examination
 - B) Periodic oral examination for individuals through age 20 (minimum of 12 months required since most recent dental examination)

NOTICE OF ADOPTED AMENDMENTS

Section 140.421 Table D Schedule of Dental Procedures (Cont'd)

- C) School examination as required by Illinois School Code (Section 1-1 et seq. of The School Code, Ill. Rev. Stat. 1987, ch. 122, par. 1-1 et seq.)
- 2) Radiographs
 - A) Intraoral--complete series (including bitewings)
 - B) Intraoral periapical--single, first film
 - C) Intraoral periapical--one additional film
 - D) Intraoral periapical--two additional films
 - E) Intraoral periapical--three additional films
 - F) Intraoral periapical--four additional films
 - G) Intraoral periapical--five additional films
 - H) Intraoral periapical--six additional films
 - I) Intraoral periapical--seven additional films
 - J) Intraoral periapical--eight or more additional films
 - K) Bitewing--single film
 - L) Bitewings--two films
 - M) Bitewings--three films
 - N) Bitewings--four films
 - O) Panoramic--maxilla and mandible, film
 - P) Panoramic--one tooth treated
 - Q) Panoramic--two teeth treated
 - R) Panoramic--three teeth treated
 - S) Panoramic--four teeth treated

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- T) Panoramic--five teeth treated
- U) Panoramic with bitewings (and anterior periapicals as needed)
- b) Preventive
- 1) Dental Prophylaxis
- Children (beginning at age 2 through age 20)
- Adults (applicable only to those adults who reside in ICF/DD facilities)
- 2) Fluoride Treatments
- Topical application of acid fluoride phosphate--one treatment (excluding prophylaxis) (beginning at age 2 through age 20)
- 3) Space Management Therapy (use of appliances to maintain space for tooth eruption)
- A) Fixed--unilateral type
- B) Fixed--bilateral type
- C) Removable bilateral type
- D) Recementation of space maintainer
- c) Restorative
- 1) Amalgam Restorations (including polishing)
- A) Amalgam--one surface, deciduous
- B) Amalgam--two surfaces (separate fillings), deciduous
- C) Amalgam--three surfaces (separate fillings), deciduous

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- D) Amalgam--four surfaces (separate fillings), deciduous
- E) Amalgam--five surfaces (separate fillings), deciduous
- F) Amalgam--one two-surface filling, deciduous
- G) Amalgam--two two-surface fillings, deciduous
- H) Amalgam--one three-surface filling, deciduous
- I) Amalgam--one four-surface filling, deciduous
- J) Amalgam--one surface, permanent
- K) Amalgam--two surfaces (separate fillings), permanent
- L) Amalgam--three surfaces (separate fillings), permanent
- M) Amalgam--four surfaces (separate fillings), permanent
- N) Amalgam--five surfaces (separate fillings), permanent
- O) Amalgam--one two-surface filling, permanent
- P) Amalgam--two two-surface fillings, permanent
- Q) Amalgam--one three-surface filling, permanent
- R) Amalgam--one four or more-surface filling, permanent
- S) Pin retention--exclusive of amalgam
- 2) Acrylic or Plastic Restorations
- A) Composite resin--one surface
- B) Composite resin--two surfaces (separate fillings)

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- C) Composite resin--three surfaces (separate fillings)
- D) Composite resin--four surfaces (separate fillings)
- E) Composite resin--five surfaces (separate fillings)
- F) Composite resin--one two-surface filling
- G) Composite resin--two two-surface fillings
- H) Composite resin--one three or more-surface filling
- I) Composite resin (involving incisal angle)
- J) Pin retention--exclusive of composite resin
- 3) Crowns--Single Restorations Only
 - A) Plastic--prefabricated
 - B) Prefabricated stainless steel--primary
 - C) Prefabricated stainless steel--permanent
 - D) Prefabricated post and core in addition to crown
- 4) Other Restorative Services
 - A) Recement inlays
 - B) Recement crowns
 - C) Fillings (sedative)
- d) Endodontics
 - 1) Pulpotomy (excluding final restoration)
Vital pulpotomy (including bases and x-rays)
 - 2) Root Canal Therapy (includes treatment plan,

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

treatment x-rays, clinical procedures and follow-up care; excludes final restoration)

- A) One Canal -- traditional technique
- B) One Canal -- Sargenti technique
- C) Two Canals -- traditional technique
- D) Two Canals -- Sargenti technique
- E) Three Canals -- First Permanent Molar -- traditional technique
- F) Three Canals -- First Permanent Molar -- Sargenti technique
- G) Apexification
- 3) Periapical Services
 - Apicoectomy--performed as separate surgical procedure (per root)
- e) Periodontics
 - Periodontal Treatment (applicable only to children and to those adults who reside in ICF/DD facilities; requires submission of prescribed course of treatment and usual and customary charge)
- f) Prosthodontics, Removable
 - 1) Complete Dentures--including six months' post delivery care
 - A) Complete upper
 - B) Complete lower
 - 2) Partial Dentures--including six months' post delivery care
 - A) Upper--without clasps, acrylic base

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- B) Lower--without clasps, acrylic base
- C) Upper--with two chrome clasps with rests, acrylic base
- D) Lower--with chrome clasps with rests, acrylic base
- E) Lower--with chrome lingual bar & two clasps, acrylic base
- F) Upper--with chrome palatal bar & two clasps, acrylic base
- 3) Non-Delivered Dentures
 - A) Non-delivery, Full Denture
 - B) Non-delivery, Clasplless Partial Denture
 - C) Non-delivery, Partial Denture, Two Clasps
 - D) Non-delivery, Partial Denture, Two Clasps and Lingual or Palatal Bar
- 4) Repairs to Dentures
 - A) Repair broken complete or partial denture--no teeth damaged
 - B) Repair broken complete or partial denture--replace one broken tooth
 - C) Replace additional teeth--each tooth
 - D) Replace broken tooth on denture--no other repairs
 - E) Adding tooth to partial denture to replace extracted tooth--each tooth (not involving clasp or abutment tooth)
- 5) Denture Relining
 - A) Relining upper complete denture (laboratory)

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- B) Relining lower complete denture (laboratory)
- C) Relining upper partial denture (laboratory)
- D) Relining lower partial denture (laboratory)
- g) Prosthodontics, Fixed
 - 1) Bridge Pontics
 - A) Porcelain fused to nonprecious metal
 - B) Plastic processed to nonprecious metal
 - 2) Crowns
 - A) Resin with predominantly base metal
 - B) Porcelain fused to metal
 - 3) Other Prosthetic Services
 - A) Recement bridge
 - B) Dowel pin--metal
- h) Oral Surgery
 - 1) Extractions
 - A) Single tooth
 - B) Each additional tooth
 - 2) Surgical Extractions
 - A) Surgical removal of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth
 - B) Extraction, soft tissue impaction
 - C) Extraction, partial bone impaction
 - D) Extraction, complete bone impaction

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- E) Root recovery (surgical removal of residual root)
- 3) Other Surgical Procedures
 - Surgical exposure of impacted or unerupted tooth to aid eruption
- 4) Alveoloplasty (surgical preparation of ridge for dentures)
 - A) One quadrant
 - B) Two quadrants
 - C) Three quadrants
 - D) Four quadrants
- 5) Removal of Cysts and Neoplasms
 - A) Removal of odontogenic cyst or tumor--up to 1.25 cm in diameter
 - B) Removal of odontogenic cyst or tumor--over 1.25 cm in diameter
 - C) Removal of nonodontogenic cyst or tumor--up to 1.25 cm in diameter
 - D) Removal of nonodontogenic cyst or tumor--over 1.25 cm in diameter
- 6) Treatment of Fractures--simple
 - A) Maxilla--open reduction, teeth immobilized (if present)
 - B) Maxilla--closed reduction, teeth immobilized (if present)
 - C) Mandible--open reduction, teeth immobilized (if present)

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- D) Mandible--closed reduction, teeth immobilized (if present)
- 7) Treatment of Fractures--compound
 - A) Maxilla--open reduction
 - B) Maxilla--closed reduction
 - C) Mandible--open reduction
 - D) Mandible--closed reduction
- 8) Reduction of Dislocation
 - A) Open reduction of dislocation
 - B) Closed reduction of dislocation
- 9) Other Oral Surgery
 - Frenulectomy--separate procedure (frenectomy or frenotomy)
- i) Orthodontics
 - Comprehensive Orthodontic Treatment
 - 1) Initial examination, records, radiographs, study models and facial photographs
 - 2) Initial orthodontic appliance
 - 3) Each month of treatment
 - 4) Initial orthodontic evaluation (describe extent of evaluation)
 - j) Adjunctive General Services
 - 1) Unclassified Treatment
 - Palliative (emergency) treatment of dental pain, minor procedures
 - 2) Anesthesia

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Section 140. Table D Schedule of Dental Procedures (Cont'd)

- A) General
- B) Analgesia
- C) Intravenous sedation

3) Professional Consultation--(diagnostic service provided by dentist other than practitioner providing treatment)

Consultation

4) Drugs

- A) Therapeutic drug injection
- B) Other drugs and/or medicaments

5) Miscellaneous Services

Unspecified (by report to be described by statement of attending dentist)

(Source: Amended at 14 Ill. Reg. 10409, effective June 19, 1990)

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NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: REFUGEE/ENTRANT/REPATRIATE PROGRAM

2) Code Citation: 89 Ill. Adm. Code 115

3) Section Number: Adopted Action:
115.30 Amendment

4) Statutory Authority: Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 12-4.5, 12-4.6 and 12-13)

5) Effective Date of Amendment: June 20, 1990

6) Does this rulemaking contain an automatic repeal date?
Yes X No

7) Does this amendment contain incorporations by reference?
No

8) Date Filed in Agency's Principal Office: June 20, 1990

9) Notice of Proposal Published in Illinois Register:
February 16, 1990 (14 Ill. Reg. 2469)

10) Has JCAR issued a Statement of Objections to this Adopted Amendment? No

11) Difference(s) between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to the rules:

- 1) in subsection (a), at line 5, the phrase "as determined by the Immigration and Naturalization Service" is inserted right before the period; and
- 2) in subsection (b), at line 8, the citation "(P.L. 96-212)" is inserted after the word "Program".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this Amendment replace an Emergency Amendment currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: This rulemaking adds certain Amerasian immigrants and their close family members to the group of persons eligible for Refugee Resettlement Assistance.
- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 115

REFUGEE/ENTRANT/REPATRIATE PROGRAM

Section

- 115.1 Incorporation By Reference
115.10 General Provisions
115.20 The Cuban Phasedown Program (Repealed)
115.30 The Refugee Resettlement Program
115.32 Refugee Resettlement Program: Application for Assistance
115.33 Refugee Resettlement Program: Furnishing of Social Security Numbers (SSN)
115.34 Refugee Resettlement Program: Work Registration/Participation Requirements
115.36 Refugee Resettlement Program: Individuals Exempt From Mandatory Work Registration/Participation Requirements
115.37 Refugee Resettlement Program: Counseling (Repealed)
115.38 Refugee Resettlement Program: Sanctions for Failure to Cooperate With Work Requirements
115.39 Refugee Resettlement Program: Good Cause For Failure to Cooperate
115.40 The Cuban/Haitian/Entrant Program (Status Pending)
115.50 The Repatriate Program
115.60 Special Provisions Relating to Parolees

AUTHORITY: Implementing and authorized by Sections 12-4.5, 12-4.6 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 12-4.5, 12-4.6 and 12-13).

SOURCE: Filed and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 28, p. 2, effective June 1, 1978 for a maximum of 150 days; amended at 2 Ill. Reg. 48, p. 60, effective November 25, 1978; amended at 5 Ill. Reg. 2786, effective March 3, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 6 Ill. Reg. 11921, effective September 21, 1982; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16109, effective November 22, 1983; amended at 8 Ill. Reg. 6804, effective May 3, 1984; amended at 9 Ill. Reg. 2296, effective February 5, 1985; amended at 13 Ill. Reg. 3932, effective March 10, 1989; amended at 13 Ill. Reg. 13631, effective August 14, 1989; amended at 14 Ill. Reg. 773,

DEPARTMENT OF PUBLIC AID

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effective January 1, 1990; amended at 14 Ill. Reg. 10438, effective June 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 115.30 The Refugee Resettlement Program

- a) The Refugee Resettlement Program (RRP) provides for the authorization of assistance (financial and medical), for eligible needy refugees from any nation and for certain Amerasian immigrants from Vietnam (and their close family members) as determined by the Immigration and Naturalization Service.
- b) In order to be eligible to be included in a Refugee Resettlement assistance unit, an individual must be a refugee, admitted into the United States (U.S.) as a refugee, or be an Amerasian born in Vietnam between January 1, 1962, and January 1, 1976, (or a close family member of such an Amerasian) and admitted to the United States (U.S.) as an immigrant under the Orderly Departure Program (P.L. 96-212) on March 20, 1988.
- c) Refugees Individuals may be eligible for refugee assistance for 12 months from the date of entry into the United States. Refugees Individuals who have lived in the U.S. more than 12 months but not more than 24 months may be eligible for refugee related General Assistance.
- d) A child born to refugee parents may be included in the assistance unit even though the child was born in the U.S., as long as both parents are refugees.

(Source: Amended at 14 Ill. Reg. 10438, effective June 20, 1990)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: SPECIAL ELIGIBILITY GROUPS
- 2) Code Citation: 89 Ill. Adm. Code 118
- 3) Section Numbers: Adopted Action:

118.300	New Section
118.400	Renumbered
- 4) Statutory Authority: Sections 5-2 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-2 and 12-13)
- 5) Effective Date of Amendments: June 20, 1990
- 6) Do these amendments contain automatic repeal date?

Yes	No
	<u>X</u>
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 20, 1990
- 9) Notice of Proposal Published in Illinois Register: February 16, 1990 (14 Ill. Reg. 2473)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Difference between proposal and final version: Based on comments received from the Joint Committee on Administrative Rules, the following changes were made to this rulemaking:
 - 1) in Section 118.300(a)(2) and (a)(5), the word "widow" is changed to "widow's"; and
 - 2) the reference to "Supplemental Security Income" and "State Supplemental Payment" are moved from Section 118.300(a)(5) to (a)(3), and parenthesis are inserted around "SSI" and "SSP" and removed from (a)(5).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace an Emergency Amendment currently in effect? No

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Adopted Amendments: This rulemaking authorizes medical assistance without regard to income for certain widows and widowers in accordance with P.L. 100-203 and Hill v. Duffy, Court No. 87-5208.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:
- Name: Anita Williams, Staff Attorney
Office of the General Counsel
- Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762
- Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 118
SPECIAL ELIGIBILITY GROUPS

SUBPART A: DISABLED ADULT CHILDREN

Section
118.100 Disabled Adult Children

SUBPART B: MEDICAL PAYMENTS FOR DRUGS FOR PERSONS
WITH ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)
OR AIDS RELATED COMPLEXES (ARC)

Section
118.200 Drugs to Prolong the Lives of Persons With Acquired
Immunodeficiency Syndrome (AIDS) or AIDS Related
Complexes (ARC)

SUBPART C: WIDOWS AND WIDOWERS

Section
118.300 Widows and Widowers

SUBPART G-D: MISCELLANEOUS PROGRAM PROVISIONS

Section
118.300 400 Incorporation By Reference

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 6-1 et seq. and 12-13).

SOURCE: Emergency rule adopted at 12 Ill. Reg. 3037, effective January 15, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 6301, effective March 18, 1988; amended at 12 Ill. Reg. 8068, effective April 26, 1988; amended at 13 Ill. Reg. 3950, effective March 10, 1989; amended at 14 Ill. Reg. 10442, effective June 20, 1990.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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SUBPART C: WIDOWS AND WIDOWERS

Section 118.300 Widows and Widowers

Individuals who meet the following criteria are eligible, without regard to income eligibility requirements, for medical assistance under the Aid to the Aged, Blind or Disabled (AABD) Program.

a) Disabled widows/widowers who:

- 1) were entitled to benefits under Title II of the Social Security Act (SSA) for December 1983;
- 2) were entitled to and received SSA disabled widow's/widower's benefits for January 1984;
- 3) are ineligible for Supplemental Security Income (SSI) and/or State Supplemental Payment (SSP) due to the increase in widow's or widower's benefits;
- 4) have been continuously entitled to widow's or widower's benefits since the first month of the benefit increase; and
- 5) would be eligible for SSI and/or SSP if the amount of the increase and any subsequent cost of living adjustments in widow's or widower's benefits were disregarded.

b) Widows/Widowers receiving early benefits who:

- 1) are age sixty (60) through sixty four (64);
- 2) are eligible for and receiving early widow's or widower's benefits under Title II of the Social Security Act;
- 3) are not entitled to Medicare Part A (hospital insurance) as determined by the Social Security Administration; and
- 4) received SSI but are now ineligible for SSI benefits or SSP because of receipt of Title II benefits.

(Source: Added at 14 Ill. Reg. 10442, effective June 20, 1990.)

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SUBPART C-D: MISCELLANEOUS PROGRAM PROVISIONS

Section 118.300 400 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified, and do not include any later amendments or editions.

(Source: Section 118.300 renumbered to Section 118.400 at 14 Ill. Reg. 10442, effective June 20, 1990)

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NOTICE OF ADOPTED AMENDMENTS

No comments were received.

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

Not applicable.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes ☐ No ☒

- 14) Are there any other Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

Section Numbers	Proposed Action	Ill. Reg. Citation
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- 15) Summary and Purpose of Rules:

The Illinois Hearing Aid Consumer Protection Act is an Act to protect the hearing impaired public from incompetent and dishonest dispensers of hearing aids who could endanger the health, safety, and welfare of the people of Illinois. The amended rules clarify the definition of clinical audiologists; define a hearing aid dispenser; provide for corporations to be subject to disciplinary action for violation of the provisions of the Act; change the date for mail order businesses to file their list of certified dispensers; provide for the liability of temporary certificate holders supervisor and the supervisor's employer for acts committed by the temporary certified dispenser; provide provisions for the restoration of certificates which have expired for practicing and non practicing dispensers; increase the certification fee from \$30 to \$40 per year, institute a fee of \$150.00 for review of continuing education courses from non-approved sponsors and an annual fee of \$100 per year for mail order companies; permit the Department of

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Public Health to levy fines for violation of the Act as a disciplinary measure, and empower the Director, Board or hearing officer to subpoena attendance and testimony of witnesses and produce materials for hearings. The rules reflect the amended act which changes "Certificate" to "License," change the definition of "Certified Hearing Aid Audiologist" to "Board Certified Hearing Instrument Specialist" and add a definition of "Hearing Instrument Specialist." Furthermore the amended rules provide for renaming the Hearing Aid Dispenser Examining and Certification Fund to the Hearing Aid Dispenser Examining and Disciplinary Fund. It adds consumer educational programs as a duty of the Department.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Mr. Robert John Kane, Division of Governmental Affairs, Department of Public Health, 525 West Jefferson, Second Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER J: VISION AND HEARING

PART 682

HEARING AID CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section 682.100	Definitions
682.105	Incorporated Materials
682.110	Information which shall be Given to Hearing Aid Users
682.120	Description of Hearing Aids
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by A Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.190	Liability Insurance

SUBPART B: HEARING AID DISPENSER LICENSE ~~REGISTRATION~~

Section 682.200	Application Procedures for Temporary Hearing Aid Dispenser <u>License</u> Registration
682.210	Issuance of a Temporary <u>License</u> Registration
682.220	Duplication of a <u>License</u> Registration
682.230	Place of Business
682.240	Display of <u>License</u> Registration
682.250	Expiration of <u>License</u> Registration and <u>License</u> Registration Renewals
682.260	Inactive Status Request

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING AIDS

Section 682.300	Established Test Procedures
682.310	Period of Time Tests Are Valid
682.320	Tests Performed by Other Dispensers
682.330	Hearing Aid Selection: Persons Eligible to Test and Recommend
682.340	Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
682.350	Audiometric Tests for Replacement Hearing Aid
682.360	Equipment Needed

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SUBPART D: HEARING AID DISPENSER EXAMINATION

Section 682.400	Administration of the Examination
682.410	Identification Needed to Take the Examination
682.420	Examination: Written and Practical
682.430	Notification of Examination Results
682.440	<u>License</u> Registration Expiration Prior to Examination
682.450	Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section 682.500	Dishonest, Unethical and Unprofessional Conduct
682.510	Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section 682.600	Administrative Hearings
682.610	Disciplinary Action
682.620	Restoration of Revoked or Suspended <u>Licenses</u> Certifications

SUBPART G: CONTINUING EDUCATION

Section 682.700	Continuing Education
Appendix A	Application Form
Appendix B	Supervision and Training Agreement Form
Appendix C	<u>License</u> Certification Authorization Form
Appendix D	Certificate of Insurance
Appendix E	Surety Penal Bond
Appendix F	Inactive Status Request
Appendix G	Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnerships, Trusts, Associations or Entities
Appendix H	<u>License</u> Certification Renewal Form
Appendix I	Audiometer Calibration Form
Appendix J	<u>License</u> Certification Correction Form

AUTHORITY: Implementing and authorized by the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1975, ch. 111, par. 7401 et seq.)

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990.

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NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 682.100 Definitions

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means The Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987s, ch. 111, par. 7401 et seq.)

"Advertisement" means any printed or spoken information, which is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing aids or by person(s) engaged in these activities.

"Audiometric Tests" means any test, utilizing calibrated audiometric equipment, to determine the status of the hearing system.

"BOARD" MEANS THE HEARING AID CONSUMER PROTECTION BOARD. (Section 3(h) of the Act; Rev. Stat. 1985, ch. 111, par. 7403(f))

"BOARD CERTIFIED HEARING INSTRUMENT SPECIALIST" MEANS A PERSON WHO HAS HAD AT LEAST 2 YEARS IN PRACTICE AS A HEARING AID DISPENSER AND HAS BEEN CERTIFIED AFTER QUALIFICATION BY EXAMINATION BY THE NATIONAL BOARD FOR CERTIFICATION IN HEARING INSTRUMENTS SCIENCES. (Section 3 of the Act)

"Certified" means a person who possesses a Hearing Aid Dispenser Certificate issued by the Department.

"CERTIFICATION" MEANS A CERTIFICATE ISSUED BY THE STATE UNDER THIS ACT TO A HEARING AID DISPENSER. (Ill. Rev. Stat. 1985, ch. 111, par. 7403(e))

"CLINICAL AUDIOLOGIST" MEANS A PERSON WITH A MINIMUM OF A MASTERS DEGREE FROM AN ACCREDITED INSTITUTION WHO HAS COMPLETED A MINIMUM OF 24 SEMESTER HOURS (36 QUARTER HOURS) OF GRADUATE LEVEL COURSE WORK IN AN AUDIOLOGY CURRICULUM WHO HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION OR A PERSON WHO HAS COMPLETED 24 SEMESTER HOURS (36 QUARTER HOURS) OF GRADUATE LEVEL COURSE WORK, AT AN ACCREDITED INSTITUTION, BEYOND A BACHELORS DEGREE WHICH MEETS THE ACADEMIC AND PRACTICUM REQUIREMENTS FOR THE AWARD OF A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE

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AMERICAN SPEECH-LANGUAGE-HEARING ASSOCIATION. (Section 3 of the Act)

"CLINICAL AUDIOLOGIST" MEANS A PERSON WITH A MINIMUM OF A MASTERS DEGREE IN AUDIOLOGY (a masters degree from an accredited institution and completion of a minimum of 24 semester hours (36 quarter hours) of graduate level course work in audiology), WHO HOLDS A CERTIFICATE OF CLINICAL COMPETENCE IN AUDIOLOGY FROM THE AMERICAN SPEECH-AND-HEARING ASSOCIATION OR ITS EQUIVALENT. (Ill. Rev. Stat. 1985, ch. 111, par. 7403(e)). The term "Equivalent" means the completion of 24 semester hours (36 quarter hours) of graduate level course work, at an accredited institution, beyond a Bachelors Degree and meeting the academic and practical requirements for the award of a certificate of clinical competence in audiology from the American Speech-and-Hearing Association."

"Decibel" means a numerical expression of the relative intensity of a sound.

"DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH. (Section 3(a) of the Act; Rev. Stat. 1985, ch. 111, par. 7403(a))

"DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH. (Section 3(b) of the Act; Rev. Stat. 1985, ch. 111, par. 7403(b))

"ENTITY" means a person or group of persons engaged in dispensing activities. (Section 3 of the Act)

"FUND" MEANS THE HEARING AID DISPENSER EXAMINING AND DISCIPLINARY FUND. (Section 3 of the Act)

"HEARING AID" MEANS ANY INSTRUMENT OR DEVICE DESIGNED, INTENDED OR OFFERED FOR THE PURPOSE OF EFFECTIVELY COMPENSATING FOR IMPAIRED HUMAN HEARING AND ANY PARTS, ATTACHMENTS OR ACCESSORIES, INCLUDING EAR MOLO. HOWEVER, BATTERIES, CORDS AND INDIVIDUAL OR GROUP AUDITORY TRAINING DEVICES AND ANY INSTRUMENT OR DEVICE USED BY A PUBLIC UTILITY IN PROVIDING TELEPHONE OR OTHER COMMUNICATION SERVICES ARE EXCLUDED. (Section 3(i) of the Act; Rev. Stat. 1985, ch. 111, par. 7403(f))

"HEARING AID AUDIOMETRIST" MEANS A PERSON WHO HAS BEEN SO CERTIFIED AFTER QUALIFICATION BY EXAMINATION AND EXPERIENCE BY THE NATIONAL BOARD OF CERTIFICATION OF THE NATIONAL HEARING AID SOCIETY. (Ill. Rev. Stat. 1985, ch. 111, par. 7403(f))

"HEARING AID DISPENSER" MEANS A PERSON WHO ENGAGES IN THE SELLING,

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PRACTICE OF FITTING, DISPENSING OR SERVICING OF HEARING AIDS OR WHO ADVERTISES OR DISPLAYS A SIGN OR REPRESENTS HIMSELF AS A PERSON WHO PRACTICES THE FITTING, SERVICING, DISPENSING OR SELLING OF HEARING AIDS. (Section 3 of the Act)

"HEARING INSTRUMENT SPECIALIST" MEANS A PERSON DESIGNATED AFTER QUALIFICATION BY EXPERIENCE AND APPLICATION TO THE NATIONAL HEARING AID SOCIETY. (Section 3 of the Act)

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

"LICENSE" MEANS A LICENSE ISSUED BY THE STATE UNDER THIS ACT TO A HEARING AID DISPENSER. (Section 3 of the Act)

"Licensed Certified Dispenser" means a dispenser who has passed both the written and practical portions of the Department's Hearing Aid Dispenser Examination and has paid the appropriate fees for the licensee's fee.

"LICENSED PHYSICIAN" MEANS A PHYSICIAN LICENSED TO PRACTICE MEDICINE IN ALL OF ITS BRANCHES. (Section 3(g) of the Act, Rev. Stat. 1985, ch. 111, par. 7403(f))

"Manufacturer's Representative" means an employee of a hearing aid manufacturer who has written authorization from that hearing aid manufacturer to supervise temporary certified hearing aid dispensers.

"Masking" means the process by which a second sound stimulus is introduced to the nontest ear to isolate the response of the test ear from that of the nontest ear.

"Medical Evaluation" means A WRITTEN STATEMENT, SIGNED BY A LICENSED PHYSICIAN, licensed to practice medicine in all of its branches by the Department of Professional Regulation Registration and Education pursuant to the Medical Practice Act, (Ill. Rev. Stat. 1985, ch. 111, par. 4401-4478), WHICH STATES THAT THE PATIENT'S HEARING LOSS HAS BEEN MEDICALLY EVALUATED AND THE PATIENT MAY BE CONSIDERED A CANDIDATE FOR A HEARING AID, AND WHICH MUST HAVE TAKEN PLACE WITHIN 6 MONTHS IMMEDIATELY PRECEDING THE TIME THE WRITTEN STATEMENT IS PRESENTED BY THE PROSPECTIVE HEARING AID USER TO THE HEARING AID DISPENSER. (Section 4 of the Act, Rev. Stat. 1985, ch. 111, par. 7404)

"Most Comfortable Loudness" (MCL) means a level at which sound is most comfortable for the client, that is loudness of sound sufficient and adequate to be easily heard by the listener without

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the sound being painful or having disturbing features.

"Observer(s)" means a Licensed Certified or Provisional Certified Dispenser(s) who observes temporary licensee's activities engaged in dispensing activities described in Section 682.210(c)(2).

"Other Organizations" means a person or group of persons engaged in the business of dispensing hearing aids.

"Place of Business" means a location where hearing aids are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing aid purchaser can have personal contact and counsel with the hearing aid dispenser and obtain service during the firm's business hours; where the dispenser maintains a depository of all client records; where the licensee's office normally conducts business; and is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

"PRACTICE OF FITTING, DISPENSING OR SERVING OF HEARING AIDS" MEANS THE SELECTION, ADAPTATION, SALE OR RENT SERVICE OF HEARING AIDS AND INCLUDE THE TESTING OF HEARING BY MEANS OF AN AUDIOMETER PROPERLY CALIBRATED TO AMERICAN NATIONAL STANDARD INSTITUTES STANDARDS. (Section 3(j) of the Act, Rev. Stat. 1985, ch. 111, par. 7403(f))

"Primary Supervisor" means the name of the Licensed Certified or Provisional Certified Dispenser or manufacturer's representative which appears on the licensee's application and who is RESPONSIBLE FOR THE SUPERVISION AND TRAINING OF a Temporary Licensee's activities and responsible for any actions by the Temporary Licensee; during the period of time when the temporary certificate is under the supervision of the Primary Supervisor, while violate the Act or these Rules, as though the violations were committed by the Primary Supervisor. (Section 11 of the Act, Rev. Stat. 1985, ch. 111, par. 7411)

"Provisional Certified Hearing Aid Dispenser" means a dispenser who is certified under the provisions of Section 10 of the Act and has paid the appropriate fees for the certificate.

"Running Speech" means unemotional connected discourse (speech which is void of words or phrases which would arouse strong feelings (emotional) in the listener).

"SELL" OR "SALE" MEANS ANY TRANSFER OF TITLE OR OF THE RIGHT TO

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"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"TEMPORARY LICENSEGERTIFICATE" MEANS A LICENSEGERTIFICATE ISSUED WHILE THE APPLICANT IS IN TRAINING OR IS QUALIFYING TO BECOME A LICENSEGERTIFIED HEARING AID DISPENSER AND HAS PAID THE APPROPRIATE FEES FOR THE LICENSEGERTIFICATE. (Section 3(d) of the Act: Rev. Stat. 1985, ch. 111, par. 7403(f))

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.105 Incorporated Materials

- 1) ANSI S 3.6 1969 (R 1989⁷³)
Standards for the Calibration of Audiometers
American National Standards Institute
1430 Broadway
New York, New York 10018, or
Publication Sales Dept., STD
American Institute of Physics
335 East 45th Street
New York, New York 10017
(See Sections 682.170(c), 682.170(e)(4), 682.300(b) and
682.300(d))

- 2) ANSI S 3.21-1978
Methods for Pure Tone Threshold
Audiometry
American National Standards Institute
1430 Broadway
New York, New York 10018
(See Section 682.300(a))

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- b) All incorporations by reference refer to the materials on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

- d) Copies of all incorporated materials are available for inspection and duplication by the public at the Department's Central Office, Division of Health Assessment, Promotion and Screening (535 West Jefferson, Springfield, Illinois 62761).

Section 682.110 Information which shall be Given to Hearing Aid Users

- a) WHENEVER A SALE OR SERVICE OF ONE OR MORE HEARING AIDS, INVOLVING \$50 OR MORE IS MADE OR CONTRACTED TO BE MADE, WHETHER UNDER A SINGLE CONTRACT OR UNDER MULTIPLE CONTRACTS, AT THE TIME OF THE TRANSACTION, THE HEARING AID DISPENSER SHALL FURNISH THE CONSUMER WITH A FULLY COMPLETED RECEIPT OR CONTRACT PERTAINING TO THAT TRANSACTION, IN SUBSTANTIALLY THE SAME LANGUAGE AS THAT USED IN THE ORAL PRESENTATION TO THE CONSUMER. THE RECEIPT OR CONTRACT SHALL CONTAIN THE DISPENSER'S NAME, LICENSE NUMBER, BUSINESS ADDRESS, BUSINESS PHONE NUMBER AND SIGNATURE; THE NAME, ADDRESS AND SIGNATURE OF THE HEARING AID CONSUMER AND THE NAME AND SIGNATURE OF THE PURCHASER IF THE CONSUMER AND THE PURCHASER ARE NOT THE SAME; THE HEARING AID MANUFACTURER'S NAME AND THE MODEL NUMBER OR NAME THAT CLEARLY IDENTIFIES THE HEARING AID; THE DATE

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OF PURCHASE; AND THE TERMS OF THE SALE FULLY AND CLEARLY STATED. WHEN THE HEARING AID IS DELIVERED TO THE CONSUMER OR PURCHASER, THE SERIAL NUMBER SHALL BE WRITTEN ON THE ORIGINAL RECEIPT OR CONTRACT AND A COPY SHALL BE GIVEN TO THE CONSUMER OR PURCHASER. IF A USED HEARING AID IS SOLD, THE RECEIPT AND THE CONTAINER THEREOF SHALL BE CLEARLY MARKED AS "USED" OR "RECONDITIONED", WHICHEVER IS APPLICABLE, WITH TERMS OF GUARANTEE, IF ANY. (Section 4 of the Act)

ANY PERSON WHO FITS, DISPENSES, SERVICES OR SELLS HEARING AIDS SHALL DELIVER TO EACH PERSON SUPPLIED WITH A HEARING AID OR THE PURCHASER OF THE HEARING AID, A RECEIPT AND/OR CONTRACT WHICH SHALL CONTAIN THE FOLLOWING: (111-Reg.-10447, effective June 18, 1990) (Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

- 1) The dispenser's name (which shall be the name used on the certificate), the dispenser's certification ID number, address, phone number and the dispenser's signature.
- 2) The full sale's terms clearly stated, return of goods, and service policy, refunds, trial periods, return of goods, and service policy.
- 3) When the hearing aid is purchased, the hearing aid manufacturer's name and model number, name of the hearing aid(s) shall be written on the receipt/contract. When the hearing aid is delivered, the serial number(s) shall be written on the original receipt/contract and a copy shall be given to the client, with a copy of the user's instruction booklet, as specified in 21 CFR 801.421(c).
- 4) The name and address of the hearing aid consumer and the name and signature of the purchaser, if the consumer and purchaser are not the same person.
- b) If a medical evaluation is not obtained, a copy of the medical waiver shall be presented to the consumer for his signature and a copy of this document shall be attached to the consumer's copy of the contract/receipt. The medical waiver shall be a separate document from the contract/receipt.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.120 Description of Hearing Aids

No terms or combination of terms may be used, either written or verbal other than "new," "used" or "reconditioned." (Section 4 of the Act) (111-Reg.-1985, effective June 18, 1990)

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(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.140 Consumer Records

Required consumer records for hearing aid dispensers shall be copies of medical evaluations, medical waivers, contracts or receipts, and audiometric test results (audiograms).

- a) The full name of the dispenser, his license number and the date of the test shall be recorded on the audiogram.
- b) When a hearing aid is sold, as defined in Section 3 of the Act (111-Reg.-1985, effective June 18, 1990), the hearing aid dispenser shall retain copies of all records that are set forth in Section 682.140 of this Part (these rules for a minimum of 36 months). (21 CFR 801.421(d) and Section 4 of the Act) (111-Reg.-1985, effective June 18, 1990)

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.150 Information to be Submitted by A Corporation, Partnership, Trust, Association or Other Entity/organization

EACH CORPORATION, PARTNERSHIP, TRUST, ASSOCIATION OR OTHER ENTITY/ORGANIZATION MAINTAINING AN ESTABLISHED BUSINESS ADDRESS AND ENGAGING IN THE BUSINESS OF FITTING, SERVICING, DISPENSING, AND SELLING, OR OFFERING FOR SALE HEARING AIDS AT RETAIL SHALL FILE, WITH THE DEPARTMENT, BY JULY 1 OF EACH YEAR, A LIST OF ALL LICENSED CERTIFIED and Temporary Licensed Certified HEARING AID DISPENSERS EMPLOYED BY IT; the business name, address, county, and phone number; and the name of the owner and/or manager ON FORMS PRESCRIBED BY THE DEPARTMENT AND THE BUSINESS SHALL ALSO FILE WITH THE DEPARTMENT A STATEMENT THAT THEY WILL COMPLY IT COMPLIES WITH THIS ACT, AND THESE RULES PROMULGATED HEREUNDER AND THE REGULATIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION (21 CFR 801.420 et seq.), by December 1 of each year (See Appendix G). (Section 5 of the Act) (111-Reg.-1985, effective June 18, 1990) The Department shall be notified, in writing, of any changes to the information provided.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.160 Inspections

The Department shall inspect places of business, where hearing aids are dispensed, at least once every three years. The following shall be inspected: display of the Department Poster; possession of the Department of Consumer Complaint Notification Form; audiometer calibration data sheet; Notice of Cancellation Forms, contracts/receipts and medical waiver forms, which the dispenser uses; and for the Temporary Licensee (111-Reg.-1985, effective June 18, 1990)

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log of dispensing activities observed by the Primary Supervisor and/or Observer. Individual client records shall not be inspected without the written consent of the client or guardian.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.180 Mail Order Sales

Businesses engaged in the mail order sale of hearing aids shall submit a "Disclosure Statement" as specified (Section 6 of the Act) in Section 6 of the Act and a statement that SUCH ORGANIZATION EMPLOYS ONLY LICENSED INDIVIDUALS IN THE DISPENSING OF HEARING AIDS AND FILES WITH THE DEPARTMENT, BY JANUARY 1 OF EACH YEAR, A LIST OF ALL LICENSED HEARING AID DISPENSERS EMPLOYED BY IT, BY DECEMBER 31 OF EACH YEAR, IN ORDER TO CONTINUE DISPENSING AIDS THROUGH DECEMBER 31 OF THE FOLLOWING YEAR.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.190 Liability Insurance

a) ALL PERSONS LICENSED HEREUNDER THIS ACT SHALL MAINTAIN LIABILITY INSURANCE (malpractice). (Section 4 of the Act) Rev. Stat. 1985, ch. 111, par. 7404

b) A dispenser who possesses liability insurance, which provides coverage only while the dispenser is dispensing for a particular employer, shall not dispense hearing aids as a self-employed or for another employer without obtaining separate liability insurance coverage for the dispensing activities while self-employed or dispensing for the other employer(s).

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

SUBPART B: HEARING AID DISPENSER LICENSE CERTIFICATE

Section 682.200 Application Procedures For Temporary Hearing Aid Dispenser License Certificate

Applicants for license certificate shall complete and send the following to the Department.

- Application fee - \$3525.
- Application form (See Appendix A), which requests the following information: name of applicant, social security number, birthdate, sex, home mailing address, home phone number, business or agency name, business mailing address, business phone, preferred mailing address, highest level of education completed,

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any university attended, professional certificates held, Primary Supervisor's name/ID number, number of years applicant has dispensed hearing aids, previous convictions or disciplinary actions against dispenser, citizenship status, indicating that applicant is free of infectious disease, and Hearing Aid Consumer Protection Act compliance statement with the signature of applicant.

c) Supervision and Training Agreement Form (Appendix B), which requests the following information: the name of the Primary Supervisor, the Observer and the Temporary Licensee Certificate; the signature and I.D. number of the Primary Supervisor and Observer(s); and the Primary Supervisor's address and phone number.

d) License Certificate Authorization Form (See Appendix C), which requests the following information: the dispenser's name and the name, address, county and phone number for all the places of business from which hearing aids will be dispensed by the applicant.

e) License Certificate fee of \$4030 with \$10 for each duplicate and/or additional License Certificate.

f) Certificate of Insurance (See Appendix D), which shall give the name and address of the agency, the name(s) and address of the dispenser(s) insured; the name of the company affording coverage; the type of insurance (malpractice); the policy number; policy expiration date; limits of liability in thousands; any cancellation clause(s) and the address of the Department as the certificate holder, or the agency to be notified if the policy is cancelled or expires.

g) Surety Penalty Bond when applicable (See Appendix E), in the sum of at least \$5000, as specified in Section 11 of the Act (See Appendix E).

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.210 Issuance of a Temporary License Certificate

- Applicants for a temporary license certificate shall be supervised by a Licensed Dispenser, Primary Supervisor, who is certified or by a hearing aid manufacturer's representative.
- A Temporary Certificate, who is not employed by a certified or Provisional Hearing Aid Dispenser or supervised by a Certified or Provisional Hearing Aid Dispenser, who is an employee of the same employer as the applicant, can be-

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supervised by a hearing aid manufacturer is representative or by a person who holds a current certificate or provisional certificate of Hearing Aid Dispenser. ~~However, the new dispenser, not later than 5 days prior to the commencement of operation under a temporary certificate, shall obtain and file with the Department a Surety Bond in the sum of \$5,000, which shall be conditioned on the satisfactory performance, pursuant to and in accordance with this act and the rules hereunder, during the period covered by the temporary certificate.~~ (Ill. Rev. Stat. 1985, ch. 111, par. 7411)

- b) The licensee ~~shall~~ for the Temporary Licensed ~~certified~~ Hearing Aid Dispenser, in addition to the business address, shall bear the Primary Supervisor's name and Licensee ~~information~~ I.O. number ~~on the hearing aid manufacturer's representative name.~~

- c) Responsibilities of the Primary Supervisor, Supervisor's Employer and ~~the~~ Observer(s).

- 1) The Primary Supervisor and Observer(s) shall be responsible for the supervision and training of the applicant.

- 2) The Primary Supervisor or Observer(s) shall personally have a minimum of 5 hours per week of face-to-face communication with each Temporary Licensee ~~with less than 2~~ years experience dispensing hearing aids for the first 6 months the licensee ~~is valid.~~ The Temporary Licensee ~~shall be observed performing hearing aid dispensing activities (Section 3(j) of the Act).~~ ~~Rev. Stat. 1985, ch. 111, par. 7403(f) and counseling clients.~~

- 3) A record of these personal observations, by either the Primary Supervisor or the Observer(s) listed on the Supervision Agreement Form, shall be maintained in a log by the Temporary Licensee ~~shall~~. This log shall indicate the following: the activity observed, the amount of time the activity was observed, the date the activity was observed and the signature of the Primary Supervisor or the Observer who viewed the activity.

- 4) THE SUPERVISOR AND THE SUPERVISOR'S EMPLOYER SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ANY ACTS OF THE TEMPORARY LICENSE HOLDER RELATING TO THE PRACTICE OF FITTING OR DISPENSING HEARING AIDS AS DEFINED IN THIS ACT AND THE RULES PROMULGATED HEREUNDER. (Section 11 of the Act)

The Primary Supervisor shall be responsible for violations

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of the Act or these Rules, by the Temporary Certificatee, committed during the period of time the Temporary Certificatee dispenses hearing aids under the sponsorship of the Primary Supervisor. The Primary Supervisor shall be held accountable for violations, by the Temporary Certificatee, during this sponsorship, as though the violations were committed by the Primary Supervisor.

- 5) Primary supervisors and the supervisor's employer shall be responsible for the acts of trainees in the practice of fitting and dispensing of hearing aids until the supervisor notifies the Department and the trainee, in writing, by certified mail, of the termination of the relationship.

- 6) If supervision, by the Primary Supervisor, is terminated from the Temporary Licensee ~~shall~~, the Temporary Licensee ~~shall~~ must find another Primary Supervisor; complete and send the Department another Supervision Agreement Form; and shall not dispense hearing aids until the dispenser possesses a "new" temporary licensee ~~shall~~, which has the "new" Primary Supervisor's name on it. The date of expiration of the Temporary Licensee ~~shall~~ shall not change with the acquisition of a "new" Primary Supervisor.

- 7) A Primary Supervisor shall not supervise more than 5 Temporary Licensee ~~shall~~ during any one period of time. There shall not be a limit on the number of Observers a Temporary Licensee ~~shall~~ may use and a Primary Supervisor can serve as an Observer for other Temporary Licensee ~~shall~~.

- d) The Department shall deny or revoke supervisory or observational responsibilities to any person for any actions specified in Section 18 of the Act. The standard which shall be used to make this determination is the applicant ever having done any of the following: pleading nolo contendere; being convicted of a felony or misdemeanor under the laws of the United States or any State or territory; being disciplined by a governmental or professional association; or being subject to any currently effective injunctive or restrictive order as a result of actions specified in Section 18 of the Act. A certified copy of the court record or a notarized letter from a government body or professional organization, which shall detail the basis for the disciplinary action, shall be proof that the standard for denial of observational or supervisory responsibility has been met.

- e) When the Department receives the documents described in

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Section 682.200 of this Part, a Temporary Licensee's ~~Licensee~~ Licensee shall be sent to the business address(es) listed on the ~~Licensee's~~ Licensee's Authorization Form.

f) **All-Primary-Supervisors-must-be-Certified-Hearing-Aid-Dispensers effective-July-1,-1987.**

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.220 Duplication of a License Certificate

Photocopying, reproducing or duplicating a Department Hearing Aid Dispenser License certificate by any person other than the Department is prohibited.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.230 Place of Business

- a) On the Licensee's Application for a License, each hearing aid dispenser shall indicate their name and the name, address, county and phone number of all places of business from which hearing aids will be dispensed.
- b) If the place of business of a licensee is changed from the address(es) provided on any Licensee's Application and/or changed from the preferred mailing address provided to the Department, on the application, the licensee shall file written notice thereof with the Department via the Licensee's Application for a License (Appendix J) within ten working days of the change. The following information shall be provided by the dispenser: the dispenser's corrected business address, phone and business county, and an indication if the correction is for a duplicate licensee's address, for a new licensee's address (a new business address), for the deletion of a current licensee's business address or for a change in the preferred mailing address. The Department shall confirm in writing to the dispenser that the changes have been made in the dispenser's records.

c) Except at those places of business where the consumer can receive hearing aid services via another licensed ~~hearing aid~~ dispenser, who can be contacted at the dispenser's former business address and phone number, dispensers who make a change in their business location shall leave a forwarding address, with the post office, for at least one year and a forwarding phone number, with the phone company, for at least four months, so that consumer(s) and the Department can contact the dispenser.

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(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

- a) Persons engaged in the selling, practice of fitting, dispensing or servicing hearing aids or who display a sign, advertise or represent themselves as a person who practices the fitting and selling of hearing aids after January 1, 1985, shall possess a current Department Hearing Aid Dispenser Licensee# that shall be conspicuously displayed in the place of business in accordance with Section 5 of the Act (Ill. Rev. Stat. 1987, ch. 111, par. 7405). The address on the licensee# shall be the same as the address of the place of business where hearing aids are dispensed where only one place of business is used.
- 1) When more than one place of business is in operation, more than 8 hours per week annually, a duplicate licensee# with the address of the additional place of business(es) shall be displayed.
- 2) If any place of business is in operation less than 8 hours per week annually, or if the dispensing is done in a consumer's home, a duplicate licensee# with the address of the main place of business shall be displayed.
- b) When a hearing aid dispenser opens a new place of business, prior to the commencement of business at the new address, an additional licensee#, with the new address, shall be displayed.
- c) When engaged in dispensing activities a dispenser shall produce the hearing aid dispenser license# upon request of any member of the public, employee of the Department, or employee of a law enforcement agency.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.250 Expiration of Licenses and Certificate Renewals

- a) Licensed ~~certified~~ Hearing Aid Dispenser licensee ~~certificates~~ shall be valid for two years.
- 1) The fee for renewal of the ~~license~~ ~~certificate~~ and duplicate ~~license~~ ~~certificate~~(s) shall be \$8060 for the next two year period.
- 2) The Department shall send renewal and expiration notices to

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the licensee. The licensee shall send a completed License Renewal Form (Appendix H) and the License Renewal Fee to the Department, post marked no later than 30 days prior to the expiration date on the License. Failure to receive a notice to renew shall not relieve the licensee of the obligation to pay the renewal fee 30 days prior to the expiration date on the License.

- b) Temporary Licensed Hearing Aid Dispensers, who pass the hearing aid dispenser examination, shall complete the License Authorization Form and pay an \$80.00 License fee for the issuance of a License which shall be valid for two years.

- c) If the hearing aid dispenser's license has expired and the dispenser has not practiced for 5 years or more the dispenser must successfully complete the Department's Hearing Aid Dispenser examination (written and practicum) and pay all the required fees.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.250 Inactive Status Request

ANY LICENSED HEARING AID DISPENSER WHO NOTIFIES THE DEPARTMENT ON THE PRESCRIBED FORMS (See Appendix F), MAY PLACE SUCH LICENSE IN INACTIVE STATUS. (Section 20 of the Act--Rev. Stat. Ch. 111, par. 1429)

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING AIDS.

Section 682.320 Tests Performed by Other Dispensers

Audiometric tests performed, within the previous six months, by another licensed dispenser can be used to make a hearing aid selection (See Section 682.330); however, it is the responsibility of the dispenser who sells the hearing aid to ensure that all tests required by this Part have been conducted prior to dispensing a hearing aid. The seller is also responsible for the hearing aid which is dispensed.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.330 Hearing Aid Selection: Persons Eligible to Test and Recommend

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Possession of a Department Hearing Aid Dispenser License is required for any person who performs tests which are used to recommend or for any person who makes the recommendation that a person obtain a specific or generic hearing aid by make and model or specification.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.350 Audiometric Tests for Replacement Hearing Aid

The minimum tests set forth in Section 682.300 are not required when the hearing aid is a REPLACEMENT OF A HEARING AID OF THE SAME MAKE AND MODEL. (Section 18(z) of the Act--Rev. Stat. Ch. 111, par. 1418(z))

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

SUBPART D: HEARING AID DISPENSER EXAMINATION

Section 682.410 Identification Needed to Take the Examination

The dispenser shall present the following at the examination site prior to taking the examination: an original registration form validated by the Department or the Educational Testing Service; identification with the applicant's name and signature; a driver's license or other similar photo identification, and his/her Department License I.D. Card or documents. No one may take the examination without each of these documents.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.420 Examination: Written and Practical

The examination shall consist of written and practical tests. The written section shall be administered by the Educational Testing Service twice per calendar year and the practical tests shall be administered by the Department. These tests shall be administered at least annually.

- a) The examination shall cover those areas of knowledge specified in Section 9 of the Act--Rev. Stat. Ch. 111, par. 1409. The examination shall also cover knowledge of the provisions of this act and the rules promulgated hereunder. A passing grade, for the written examination, shall be a minimum score of 53 correct answers out of 75 questions.

- 1) An applicant who failed the written examination may retake the examination. A second examination fee must be paid.

- 2) The Department shall not permit dispensers who have failed

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the written examination twice to take the written examination for a minimum of two years, less one week, following the second examination failed.

- 3) The following conditions must be met to take the written examinations for the third and fourth time:

A) The applicant shall file a petition via the Department to the Board requesting permission to retake the examination.

i) The petitioner shall provide proof that they have completed a minimum of 100 hours of courses and/or training in the areas of knowledge specified in Section 9 of the Act during the 2 year period specified in Section 682.420(a)(2) of this Part~~these-Rules~~. This proof shall be the title of the course(s)/training; the number of hours given for the course (an hour equaling 50 minutes of classroom instructions); the date(s) the course(s)/training was offered; the location of the course; and the sponsor's name, address, phone number and signature verifying that the petitioner was in attendance for all hours for which credit is being submitted to meet these requirements.

ii) The petitioner shall provide proof that they have not violated the provisions of the Act or this Part~~these-Rules~~ by submitting and signing the following statement: I have not ever pleaded nolo contendere or been convicted of a felony or misdemeanor under the laws of the United States or any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; nor am I subject to any currently effective injunctive or restrictive order as a result of the aforementioned action; and I have not violated the Hearing Aid Consumer Protection Act.

B) The majority of the Board members must vote to recommend to the Director that the practitioner be allowed to retake the examination and the Director must concur with this recommendation.

- 4) The procedures for taking the written examination after

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failure of the third and fourth written examination and all successive pairs of written examinations shall be the same as the procedures outlined in Section 682.420(a)(3)(A) and (B) of this Part.

- 5) The written examination must be successfully completed before the practical examination can be taken.

b) The practical examination shall consist of 4 areas:

1) Ear Mold Impressions: the candidate shall explain, to an ~~examiner~~, the purpose for preparing the ear mold impression; describe the procedures followed in preparing the ear mold impressions; demonstrate preparation of the ear mold impression materials and make an acceptable ear mold impression.

2) Pure Tone Audiometry: The candidate shall instruct an ~~examiner~~ before looking in the ear with an otoscope; look in the ~~examiner~~'s ear with an otoscope and identify the landmarks and findings of the ear examination; instruct the ~~examiner~~ prior to conducting pure tone audiometry; place the ear phone and bone conduction vibrator on the ~~examiner~~; and obtain the air conduction and bone conduction hearing threshold at 1000Hz and 2000Hz for both right and left ear and record the results on an audiogram.

3) Speech Audiometry: The candidate shall set up an audiometer for speech audiometric testing; instruct the ~~examiner~~ prior to conducting speech reception threshold (SRT) measurements; compute and record the speech reception threshold; instruct the ~~examiner~~ prior to conducting speech discrimination measurement; compute and record the speech discrimination score; instruct the ~~examiner~~ for obtaining the most comfortable loudness level and uncomfortable loudness level.

4) Hearing Aid: The candidate shall use a battery tester; test eight hearing aid batteries and identify the weak or dead batteries; examine seven malfunctioning hearing aids; and correctly identify the problem areas in those hearing aids.

- c) The minimum passing scores for each area shall be as follows: Ear Mold Impression - 15 points out of 18, Pure Tone Audiometry 58

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points out of 69, Speech Audiometry 14 points out of 19 and Hearing Aids 11 points out of 15.

d) The fee for the exam shall be \$150. The fee for retaking ~~of each failed area of the exam~~ ~~shall be \$50 with a maximum~~ ~~retake charge for all four areas of \$150.~~

e) If the dispenser chooses to retake the practical examination, all of the areas failed must be retaken on the same date and contiguously.

f) There shall be no limit on the number of times the practical test can be retaken.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.440 Licensee's Expiration Prior to Examination

If a dispenser's ~~licensee's~~ ~~expiration~~ expires before obtaining passing scores for the written and practical portions of the Illinois Department of Public Health Hearing Aid Dispenser Examination, the dispenser shall not dispense hearing aids.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.450 Examination Due Process

The results of a practicum examination may be appealed to the Board. The Board shall only hear an appeal for the most recent practicum examination taken at a scheduled board meeting. The appeal should be addressed to the Chairman of the Board via the Department. The appellant shall indicate the nature of their complaint and document their reasons for the complaint. A majority of the Board shall recommend one of the following: that the complaint is not valid; that a passing grade be awarded; or that the appellant may retake the examination at no cost.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

SUBPART E: ETHICAL PRACTICE

Section 682.500 Dishonest, Unethical and Unprofessional Conduct

Dishonest, unethical and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions.

a) Stating or implying, verbally or in writing, that the use of a hearing aid will restore normal hearing or preserve hearing or prevent or retard progression of hearing impairment.

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b) Physically abusing clients.

c) Falsifying records.

d) Representing, advertising, or implying that a hearing aid is guaranteed without providing full disclosure of the identity of the guarantor; the nature, the extent, and duration of the guarantee; including the existence of conditions or limitations.

e) When a deposit of \$50 or more is given to a hearing aid dispenser, it shall be considered unethical conduct for the dispenser to use a contract/receipt which does not specify the time limit between the signing of the contract and the time of the delivery of the aid(s). The time limit shall not exceed 45 calendar days and it shall be prominently displayed in ten point type on the contract/receipt. If the hearing aid is not available for delivery to the consumer/purchaser 45 calendar days after the date the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all his/her money refunded less the itemized cost of the examination and/or any custom made parts already received by the dispenser, which had been cost itemized on the contract/receipt when it was signed.

f) REPRESENTING THAT THE SERVICE OF A physician licensed to practice medicine in all of its branches WILL BE USED OR MADE AVAILABLE IN THE FITTING, ADJUSTMENT, MAINTENANCE OR REPAIR OF HEARING AIDS WHEN THAT IS NOT TRUE, OR USING THE WORDS "DOCTOR", "AUDIOLOGIST", "CLINIC", "CLINICAL AUDIOLOGIST", "CERTIFIED HEARING AID AUDIOLOGIST", "STATE LICENSED", "STATE CERTIFIED", "LICENSED HEARING AID DISPENSER", "BOARD CERTIFIED HEARING INSTRUMENT SPECIALIST", "HEARING INSTRUMENT SPECIALIST", OR ANY OTHER TERM, ABBREVIATION OR SYMBOL WHICH WHEN IT WOULD GIVE THE IMPRESSION THAT SERVICE IS BEING PROVIDED BY PERSONS WHO ARE LICENSED OR AWARDED A DEGREE OR TITLE, OR THAT THE PERSON'S SERVICE WHO IS HOLDING THE LICENSE OR CERTIFICATE HAS BEEN RECOMMENDED BY A GOVERNMENTAL AGENCY OR HEALTH PROVIDER, WHEN SUCH IS NOT THE CASE. (Section 18(u) of the Act) ~~Rev. Stat. 1985, ch. 111, par. 7418(b)~~

g) Any money back guarantee provision contained in a contract/receipt for the sale of a hearing aid which fails to specify the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; specify in the contract/receipt the procedure which must be followed in order to exercise one's rights under such guarantee; and specify and itemize any and all limitations or deductions which will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom ear molds or rental

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charges for wear and tear are prohibited.

- h) Cheating or dishonesty by a dispenser on the examination shall be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act.
- i) Submission of a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the endorsee with the indication of insufficient funds is evidence that this violation has occurred.

- j) Dispensing hearing aids without liability insurance.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.510 Advertising or Promotion

- a) Licenseseseeerfffieates who possess a Doctor's degree or possess any degree or title which contains the word "Doctor" shall indicate, in any advertisement regarding their qualifications, the abbreviation for that degree or title and the area of study for which the degree or title "doctor" was given.
- b) Licenseseserfffieates advertising in the State of Illinois relative to hearing aids shall indicate a permanent business address (place of business) in the advertisement.
- c) Advertising a price for a "used" or "reconditioned" hearing aid without indicating that the advertised price is for a "used" or "reconditioned" hearing aid is prohibited.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

SUBPART F: DISCIPLINARY ACTIONS

Section 682.610 Disciplinary Action

Disciplinary actions by the Department shall be in the following order of severity: letter of reprimand, probation, suspension of licenseeserfffieate, denial of licenseeserfffieate or revocation of licenseeserfffieate. The severity of the disciplinary action shall be determined by the number of violations which have occurred; previous disciplinary actions which have been taken against a dispenser; conviction of the dispenser, for felonies or misdemeanors involving fraud or dishonesty, especially those convictions which are related to hearing aid dispensing; the effect of the violation on a consumer versus a non-consumer related violation;

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and the dispenser's degree of cooperation in resolving a complaint which is a violation. THE DEPARTMENT, WITH THE APPROVAL OF THE BOARD, MAY IMPOSE A FINE NOT TO EXCEED \$250 PLUS COSTS FOR THE FIRST VIOLATION AND NOT TO EXCEED \$1,000 PLUS COSTS FOR EACH SUBSEQUENT VIOLATION OF THIS ACT, AND THE RULES PROMULGATED HEREUNDER, ON ANY PERSON OR ENTITY DESCRIBED IN THIS ACT. SUCH FINE MAY BE INVOKED AS AN ALTERNATIVE TO ANY OTHER DISCIPLINARY MEASURE, EXCEPT FOR PROBATION, AS SET FORTH IN THIS SECTION. THE IMPOSITION BY THE DEPARTMENT OF A FINE FOR ANY VIOLATION WILL NOT BAR SUCH VIOLATION FROM BEING ALLEGED IN SUBSEQUENT DISCIPLINARY PROCEEDINGS. SUCH FINE SHALL BE DEPOSITED IN THE FUND. (Section 18 of the Act)

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

Section 682.620 Restoration of Revoked or Suspended Licenseseserfffieates

Persons whose licenseeserfffieates have been suspended or revoked may petition the Board for restoration of the licenseeserfffieate.

- a) The applicant shall specify the reasons for the restoration of the licenseeserfffieate.
- b) The applicant shall affirm, by signature and date, that during the period that the licenseeserfffieate was revoked or suspended, the applicant has not pleaded nolo contendere or been convicted of a felony or misdemeanor under the laws of the United States, any state or territory; been disciplined by another governmental or professional association for actions which involve fraud or dishonesty; is not subject to any currently effective injunctive or restrictive order as a result of the aforementioned actions; and has not engaged in dispensing activities as described in Section 5 and Section 3(j) of the Act.

- c) The Board and Department shall be guided in the restoration of the licenseeserfffieate, by the nature of the actions which caused the licenseeserfffieate to be suspended or revoked. The standards by which the Board shall be guided in its recommendation for the restoration of a licenseeserfffieate shall be as follows:

- 1) the number of violations which resulted in the revocation or suspension;
- 2) previous disciplinary actions which have been ordered against the dispenser;
- 3) conviction of the dispenser for felonies or misdemeanors involving fraud or dishonesty, during the period of revocation or suspension;

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- 4) evidence of hearing aid dispensing after
licensee's revocation or suspension;
- 5) the effect of the violations, which resulted in the
suspension or revocation, on consumers; and
- 6) settlement of all consumer claims against the dispenser.
- d) Falsification of any information provided to the Department or
Board shall be grounds for refusal to restore the
licensee's, suspension or revocation of the
licensee's.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

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Section 682. Appendix A Application Form

1. I.D. #

2. LAST NAME (20 SPACES LIMITATION) 3. SOCIAL SECURITY #

4. FIRST NAME & MIDDLE INITIAL (19 SPACES) 5. MO. DAY YR. 6. SEX BIRTHDATE

7. HOME MAILING ADDRESS: STREET OR P.O. BOX (32 SPACES)

8. CITY - SPELL CITY COMPLETELY IF POSSIBLE (28 SPACES) 9. STATE

10. ZIP CODE (9 SPACES) 11. COUNTY (11 SPACES) 12. HOME PHONE (AC & NO)

13. BUSINESS OR AGENCY NAME (32 SPACES)

14. BUSINESS MAILING ADDRESS: STREET, ROUTE, OR P.O. BOX (32 SPACES)

15. CITY - SPELL CITY COMPLETELY IF POSSIBLE (28 SPACES) 16. STATE

17. ZIP CODE (9 SPACES) 18. COUNTY (11 SPACES) 19. BUSINESS PHONE (AC & NO.)

PREFERRED MAILING ADDRESS: 20. BUSINESS 21. HOME

HIGHEST LEVEL
OF EDUCATION COMPLETED:

22. HS 23. B.S./ 24. M.S./ 25. Ph.D./ 26.
Diploma B.A. M.A. Ed.D. M.D.

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UNIVERSITY OR COLLEGE FROM WHICH HIGHEST ACADEMIC DEGREE WAS OBTAINED

NAMECITYSTATEDEGREEYR.

27. ☐ ASHA-C.C.C.-A, AUDIOLOGIST, 28. ☐ CERT. OF NAT'L. 29. ☐ OTHER
OR ELIGIBLE FOR C.C.C. HEARING AID SOCIETY

30. PRIMARY SUPERVISOR'S NAME LICENSEE HEARING-AID
I. D. # MANUFACTURER'S
REPRESENTATIVE

TEMPORARY LICENSEE APPLICANTS MUST ATTACH IDPH VERIFICATION OF TRAINING AND SUPERVISION AGREEMENT TO THIS APPLICATION.

31. ☐ ☐ NUMBER OF YEARS HEARING AID DISPENSER APPLICANT HAS DISPENSED
HEARING AIDS

32. ☐ YES ☐ NO HAS APPLICANT EVER PLEADED NOLO CONTENDERE OR BEEN
CONVICTED OF A FELONY OR MISDEMEANOR UNDER THE LAWS OF
THE UNITED STATES OR ANY STATE OR TERRITORY; BEEN
DISCIPLINED BY ANOTHER GOVERNMENTAL OR PROFESSIONAL
ASSOCIATION FOR ACTIONS WHICH INVOLVED FRAUD OR
DISHONESTY; OR SUBJECT TO ANY CURRENTLY EFFECTIVE
INJUNCTIVE OR RESTRICTIVE ORDER AS A RESULT OF THE
AFOREMENTIONED ACTIONS?

IF ANSWER IS YES, APPLICANT MUST PROVIDE A DETAILED EXPLANATION OF THE VIOLATION INCLUDING DATES, LOCATION AND COURT DOCKET NUMBER.

33. ☐ YES ☐ NO IS APPLICANT A U.S. CITIZEN OR LEGAL ALIEN? IF ALIEN,
INDICATE ALIEN REGISTRATION NUMBER: _____

34. ☐ YES ☐ NO IS APPLICANT FREE OF INFECTIOUS OR CONTAGIOUS DISEASE?

IDPH USE ONLY

☐ INACTIVE ☐ DROPPED ☐ REVOKED ☐ SUSPENDED ☐ PROBATION

DEPARTMENT OF PUBLIC HEALTH
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35. BUSINESS: IDPH REGION # AND COUNTY CODE

36. MO DAY YR

37. MO DAY YR

ISSUEDEXPIRES

FEES

LICENSEE REGISTRATION APPLICATION FEE: \$3525 - DO NOT SEND CASH

AMOUNT OF CHECK \$ _____

FEES ARE NOT REFUNDABLE.

ALL CHECKS MUST BE MADE OUT AS SHOWN IN THE EXAMPLE -
TO: IDPH - HEARING AID PROGRAM

A SELF ADDRESSED POST CARD MUST BE ENCLOSED FOR ACKNOWLEDGEMENT OF THE RECEIPT OF THIS APPLICATION AND FEE.

HEARING AID CONSUMER PROGRAM COMPLIANCE STATEMENT

I AFFIRM THAT I WILL COMPLY WITH THE PROVISIONS OF THE HEARING AID CONSUMER PROTECTION ACT, THE RULES AND REGULATIONS ISSUED AND THE REGULATIONS OF THE FEDERAL FOOD AND DRUG ADMINISTRATION. I AFFIRM THAT THE INFORMATION GIVEN BY ME IN THIS APPLICATION IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF A FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

SIGNATURE _____ DATE _____

SEND APPLICATION AND CHECK TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761
PHONE: 217/782-4733

PLEASE REVIEW THE APPLICATION TO ENSURE THAT ALL REQUESTED INFORMATION HAS BEEN GIVEN AND THAT ALL REQUESTED MATERIALS ARE ENCLOSED. INCOMPLETE APPLICATIONS WILL BE RETURNED.

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

DEPARTMENT OF PUBLIC HEALTH
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Section 682. Appendix B Supervision and Training Agreement Form

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROGRAMHEARING AID DISPENSER
SUPERVISION AND TRAINING AGREEMENT
FOR

TEMPORARY LICENSE CERTIFICATE APPLICANT

All applicants for an Illinois Department of Public Health Temporary License Certificate must be employed (supervised) by a Licensed Certified Hearing Aid Dispenser as defined in the Illinois Hearing Aid Consumer Protection Act. If the applicant is starting a hearing aid dealership as sole owner, principal of a firm, or employee-manager for a corporation, this supervision may also be provided by the representative of a hearing aid manufacturer.

I affirm that I _____ will be
(Name of Primary Supervisor) (Please Print)

responsible for the acts of " _____
made in the fitting, dispensing and servicing of hearing aids, while the
applicant "is under my supervision as a Temporary Licensed Certified Hearing
Aid Dispenser" as though the actions were committed by me.

Signature of Primary Supervisor and Date _____

Licensed
Certified Dispenser

Supervisor's Employer

Manufacturer's Representative

Address: _____

Company Name: _____

Address: _____

Phone: # _____

Phone: () _____

License Certificate I. D. # _____

Observer(s) See Back of Form

(Name of Observer & License Certificate I.D.#) _____ (Signature and Date) _____
Please Print

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(Name of Observer & Licensee) I.D.# (Signature and Date)
Please Print

(Name of Observer & Licensee) I.D.# (Signature and Date)
Please Print

(Name of Observer & Licensee) I.D.# (Signature and Date)
Please Print

(Name of Observer & Licensee) I.D.# (Signature and Date)
Please Print

(Name of Observer & Licensee) I.D.# (Signature and Date)
Please Print

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

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682. Appendix C Licensee Authorization Form

HEARING AID DISPENSER
LICENSEE AUTHORIZATION FORM
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION
AND SCREENING HEARING AID
CONSUMER PROTECTION PROGRAM

FEE VALIDATION

Licensee Fee I.D. #:

Misc. Fee (Duplicate
Licensee) I.D. #:

I. D. #

IDPH USE ONLY

Please print or type the name of the person who will be issued the
license, the business name and address where it will be
displayed and the addresses for each location from which the
licensee person will dispense hearing aids.

Name:

First Middle Last

Business:

Name

Business:

Name

Address:

Address:

County:

County:

Phone:

Phone:

(A/C) Number

(A/C) Number

Business:

Name

Business:

Name

Address:

Address:

County:

County:

Phone:

Phone:

(A/C) Number

(A/C) Number

Business:

Name

Business:

Name

Address:

Address:

County:

County:

DEPARTMENT OF PUBLIC HEALTH
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Phone: (A/C) Number (A/C) Number

The License Certificate Fee is \$4030. The duplicate License Certificate Fee is \$10 per License Certificate. If additional duplicate License Certificates are needed, please duplicate this form.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 682. Appendix D Certificate of Insurance

Name and Address of Agency	COMPANIES AFFORDING COVERAGES
Company Letter A	
Company Letter B	
Company Letter C	
Company Letter D	
Company Letter E	

This is to certify that policies of insurance listed below have been issued to the insured named above and are in force at this time. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies.

Company Letter	Type of Insurance	Policy Number	Policy Expiration Date	Limits of Liability in Thousands (000)	
				Each Occurrence	Aggregate
A	GENERAL LIABILITY				
	<input type="checkbox"/> Comprehensive Form			\$	\$
	<input type="checkbox"/> Premises--Operations			\$	\$
	<input type="checkbox"/> Explosion and Collapse Hazard				
	<input type="checkbox"/> Underground Hazard				

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<input type="checkbox"/> Products/completed Operations Hazard	<input type="checkbox"/> Bodily Injury and Property Damage Combined	\$	\$
<input type="checkbox"/> Commercial Insurance			
<input type="checkbox"/> Broad Form Property Damage			
<input type="checkbox"/> Independent Contractors			
<input type="checkbox"/> Personal Injury	Personal Injury	\$	
<input type="checkbox"/> AUTOMOBILE LIABILITY	<input type="checkbox"/> Bodily Injury (Each Person)	\$	
<input type="checkbox"/> Comprehensive Form	<input type="checkbox"/> Bodily Injury (Each Person)	\$	
<input type="checkbox"/> Owned	<input type="checkbox"/> Bodily Injury (Each Accident)	\$	
<input type="checkbox"/> Hired	<input type="checkbox"/> Property Damage	\$	
<input type="checkbox"/> Non-Owned	<input type="checkbox"/> Bodily Injury and Property Damage Combined	\$	
EXCESS LIABILITY	<input type="checkbox"/> Bodily Injury and Property Damage Combined	\$	\$
<input type="checkbox"/> Umbrella Form			
<input type="checkbox"/> Other than Umbrella Form			

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<input type="checkbox"/> WORKERS' COMPENSATION and EMPLOYERS' LIABILITY	<input type="checkbox"/> Statutory	\$	\$
<input type="checkbox"/> OTHER			
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES			
Professional Liability/Malpractice			

Cancellation: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail _____ days written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company.

NAME AND ADDRESS OF CERTIFICATE HOLDER	Date Issued:
Illinois Department of Public Health	
Division of Health Assessment and Screening	
Hearing Aid Consumer Protection Program	BY
535 West Jefferson Street	
Springfield, Illinois 62761	

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

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NOTICE OF ADOPTED AMENDMENTS

Section 682. Appendix E Surety Penal Bond

COUNTY OF _____)
STATE OF ILLINOIS) ss)

SURETY PENAL BOND

TEMPORARY LICENSE CERTIFICATE

HEARING AID CONSUMER PROTECTION ACT

We (I), _____, of _____, State of Illinois, as principal, and _____, a corporation incorporated under the laws of the State of Illinois, and duly licensed to transact a surety business in the State of Illinois, as surety, as indebted to the People of the State of Illinois, in the penal sum of Five Thousand Dollars (\$5,000.00), for which payments we bind ourselves and our legal representatives and successors, jointly and severally.

The condition of this obligation is that principal has applied for a Temporary License Certificate to dispense, fit or service hearing aids from the Illinois Department of Public Health in accordance with Section 11 of the Hearing Aid Consumer Protection Act and to furnish a bond therefore on the terms and conditions set forth therein.

If, for the period covered by the Temporary License Certificate, principal and all his agents and employees faithfully conform to and abide by the provisions of the Hearing Aid Consumer Protection Act (Ill. Rev. Stat. 1987, ch. 111, par. 7401 et seq.) and the Rules and Regulations promulgated thereunder together with all amendatory and supplementary acts thereof, now and hereafter enacted, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

This bond is intended to comply with the requirements of Section 7411 of Chapter 111 of the Illinois Revised Statutes and is a penal bond.

IN WITNESS WHEREOF, the parties have executed this bond on the _____ day of _____, 19____.

PRINCIPAL

SURETY

BY ATTORNEY-IN-FACT AND AGENT

(Source: Amended at 14 Ill. Reg. 10447, effective June 12, 1990.)

DEPARTMENT OF PUBLIC HEALTH
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Section 682. Appendix F Inactive Status Request

HEARING AID DISPENSER INACTIVE STATUS REQUEST

I, (Dispenser's Name - Please Print) _____, hereby request, effective

(Date) _____, to have my hearing aid dispenser's license certificate

put on an inactive status. I recognize that this will exempt me from payment of all license certificate renewal fees during the time of my inactive status.

I will do the following:

1. Notify the Illinois Department of Public Health in writing when I wish to resume the practice of fitting, dispensing, and servicing hearing aids, in Illinois.
2. Pay the current license certificate renewal fee and provide evidence that the continuing education requirements have been met during the inactive period.
3. Provide the Department with sworn evidence certifying the active practice of dispensing hearing aids in another jurisdiction if any inactive status is more than five (5) years.

I will not dispense hearing aids in Illinois while my license certificate is on an inactive status.

I have read and fully understand the above provisions. I have enclosed my Illinois Department of Public Health Hearing Aid Dispenser License Certificate and all duplicates.

Signature and Date

License Certificate ID#

IDPH Use Only

The above _____, effective _____, (Date)

is acknowledged, by the Illinois Department of Public Health Hearing Aid Consumer Protection Program, to be on inactive status as provided in the Hearing Aid Consumer Protection Act.

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Hearing Aid Consumer Protection Program
Division of Health Assessment Promotion and Screening

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 682. Appendix G Registration of Hearing Aid Dispensers Employed by a
Hearing Aid Corporations, Partnerships, Trusts, Associations or
Entities

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM

PLEASE TYPE OR PRINT

Business Name:
Address:

County:
Phone:

Owner:

Name

Manager:

Name

The above named business employs the following hearing aid dispensers.

LICENSED CERTIFIED HEARING AID DISPENSERS

Name (Last, First & Initial)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

License
Certification
I.D. #

TEMPORARY LICENSED CERTIFIED HEARING AID DISPENSERS

Name (Last, First & Initial)

1. _____
2. _____
3. _____
4. _____
5. _____

License
Certification
I.D. #

DEPARTMENT OF PUBLIC HEALTH
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6. _____
7. _____
8. _____

If additional space is needed, please type or print the additional names or business location under the appropriate headings on a separate sheet. If there are subsequent deletions or additions to this disclosure, the Department must be notified in writing.

VERIFICATION

"I affirm that the above business complies with the provisions of the Hearing Aid Consumer Protection Act; the Rules issued pursuant to it; the regulations of the Federal Food and Drug Administration (21 CFR 801.420 et seq.), and that all persons employed by this business, engaged in the activity of fitting and dispensing of hearing aids, as defined in the Hearing Aid Consumer Protection Act, are listed on this Compliance Statement. I affirm that this Compliance Statement is true, correct and complete. I understand that making a false, misleading or incomplete statement can be grounds for disciplinary action by the Illinois Department of Public Health."

SIGNATURE

DATE

BUSINESS TITLE

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

DEPARTMENT OF PUBLIC HEALTH
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Section 682. Appendix H Licensee Certificate Renewal Form

LICENSEE CERTIFICATE RENEWAL
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION
AND SCREENING CONSUMER PROTECTION PROGRAM

Validation

LICENSEE CERTIFICATE RENEWAL FEE IS \$8060. (225)

If additional licensee certificates are needed due to a name change, address change or new location, please print the business name, address, county and phone number below. There is a fee of \$10 for each licensee certificate. (224)

Business:

Name

Address:

County:

Phone:

(A/C) Number

Business:

Name

Address:

County:

Phone:

(A/C) Number

I AFFIRM THAT THE INFORMATION GIVEN BY ME IN THIS LICENSEE CERTIFICATE RENEWAL, IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF A FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

Signature Licensee I.D. # Date

SEND LICENSEE CERTIFICATE RENEWAL AND CHECK TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

DEPARTMENT OF PUBLIC HEALTH

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NOTICE OF ADOPTED AMENDMENTS

DIVISION OF HEALTH ASSESSMENT PROMOTION AND SCREENING
HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET, 3RD FLOOR
SPRINGFIELD, ILLINOIS 62761

Section 682. Appendix I Audiometer Calibration Form

HEARING AID CONSUMER PROTECTION PROGRAM AUDIOMETER CALIBRATION FORM

Business

Name:

Address:

Incomplete Renewal Forms and incorrect amounts on the check will cause all materials to be returned.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

(City) _____ (State) _____ (Zip) _____

(County) (Telephone) ()

(Owner/Manager)

[illegible]

Please list the make, model, serial number and the date of the last ANSI calibration for each audiometer you use in the dispensing of hearing aids. By statute, audiometers must be calibrated annually. (111. Rev. Stat. 1987⁵, ch. 111, par. 7404)

Audiometer Model

Serial #

Date of Last Calibration

I AFFIRM THAT THE INFORMATION, GIVEN BY ME, ON THIS FORM IS TRUE, CORRECT AND COMPLETE. I UNDERSTAND THAT THE WILLFUL MAKING OF FALSE, MISLEADING OR INCOMPLETE STATEMENT CAN BE GROUNDS FOR DISCIPLINARY ACTION BY THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH.

Signature

License# I.D.# Date

Date

* * *

RETURN BY DECEMBER 1, TO:

ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT, PROMOTION AND SCREENING

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

HEARING AID CONSUMER PROTECTION PROGRAM
535 WEST JEFFERSON STREET, THIRD FLOOR
SPRINGFIELD, ILLINOIS 62761

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

DEPARTMENT OF PUBLIC HEALTH

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Section 682. Appendix J Licensee Certificate Correction Form

HEARING AID DISPENSER
LICENSEE CERTIFICATE CORRECTION FORM
ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH ASSESSMENT PROMOTION
AND SCREENING HEARING AID CONSUMER
PROTECTION PROGRAM

FEE VALIDATION

Licensee Certificate Fee I.D. #: _____

Misc. Fee (Duplicate
Licensee Certificate) I.D. #: _____

IOPH USE ONLY

Please print or type the name of the licensee or temporary licensee and indicate any changes in their preferred mailing address or the business name and address from which hearing aids will be dispensed.

Name:		First	Middle	Last	I.D.#
Business:	Name	Business:			Name
Address:		Address:			
County:		County:			
Phone:		Phone:			
(A/C)	Number	(A/C)			Number
<input type="checkbox"/> New Preferred Mailing Address					
<input type="checkbox"/> New Address <input type="checkbox"/> Duplicate Address <input type="checkbox"/> Delete					
Business:	Name	Business:			Name
Address:		Address:			
County:		County:			
Phone:		Phone:			
(A/C)	Number	(A/C)			Number
<input type="checkbox"/> New Address <input type="checkbox"/> Duplicate Address <input type="checkbox"/> Delete					

DEPARTMENT OF PUBLIC HEALTH

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Business:

Name

Business:

Name

Address:

Address:

☐ New Address☐ Duplicate Address ☐ Delete☐ New Address☐ Duplicate Address ☐ Delete

The License Certificate Fee is \$4030. The duplicate License Certificate Fee is \$10 per License Certificate. If additional License Certificates are needed, please duplicate this form.

(Source: Amended at 14 Ill. Reg. 10447, effective June 18, 1990)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

1) The Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois.

2) Code Citation: 80 Ill. Adm. Code 1540

3) Section Numbers: Adopted Action:

1540.80 Amendment
1540.90 Amendment
1540.250 Amendment

4) Statutory Authority: Implementing and authorized by Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1989, Ch. 108, par. 14-101 et seq. see in particular pars. 14-118, 14-120, and 14-129).

5) Effective Date of Amendments: June 19, 1990

6) Do these amendments contain an automatic repeal date? No

7) Do the amendments contain incorporation by reference? No

8) Date filed in agency's principal office: June 11, 1990

9) Notice of proposal published in Illinois Register: March 30, 1990 14 Ill. Reg. 4880

10) Has JCAR issued a statement of objection to this rule? No

11) Differences between proposal and final versions:

1. The words "see in particular, pars. 14-118, 14-120, and 14-129" have been removed from the Authority note and now appear on this notice page.

2. In 1540.80 (e)(2)(A), (e)(2)(B), and 1540.90 (c)(4)(D) the word "rule" has been changed to read "Section".

3. In 1540.80 (e)(2)(B) subsection labels (1) and (ii) have been removed and the word "and" has been added after "disposition" and before "less". In 1540.90 (c)(4)(D) subsection labels (1) and (2) have been removed.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

4. In 1540.90 (a)(9)(A) the words "Illinois Pension Code" have been replaced with "Retirement Act".
5. In 1540.90 (d) "Ill. Revised Statutes, Chapter 108½, Article 14-108(f)" has been replaced with "Section 14-108(f) of the Retirement Act".
6. In 1540.250 (d) the word "a" has been added between the words "If" and "member".
7. In the Authority note, 1540.80(c)(2), 1540.92(a), and 1540.90(a)(9) the citations of the Illinois Revised Statutes have been updated to the 1989 edition.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes

13) Will these amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Amendments:

1540.80(e) This amendment is necessary to change the gainful employment amount to \$500.00, to remove the word profit from the definition and define remuneration.

1540.90(a)(10) This amendment is necessary to clarify that periods ruled noncompensable under the Workers' Compensation Act, for noncompliance with the act, will not be considered for occupational disability until the entire workers' compensation case has been finalized with the Industrial Commission.

1540.90(c)(3), (4)(D) This amendment is necessary to allow for an adjustment to the social security offset amount that a survivor is eligible to receive on their own behalf from social security.

1540.90(d) This amendment is being established to provide for the method in which the Retirement System will determine the Social Security Administration benefit in order to apply the provisions in Chapter 108½, Article 14-108(e)(f) of the Retirement Act.

1540.250(c) and (d) Under current procedures, the installment option method of payment is a convenience for the member and interest is calculated as if a lump sum were paid on the last day of the installment period. By granting an interest rebate, we will share with the membership the interest earned on the payments made during the installment period.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
Address: P.O. Box 19255-2815 West Washington St.
Springfield, IL 62794-9255
Telephone: 217-753-0440

The full text of the Adopted Amendments begins on the next page:

STATE EMPLOYERS' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE
STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section	
1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
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1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
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TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by Article 14 of the Illinois Pension Code (Ill. Rev. Stat. 1989, ch. 108 1/2, par. 14-101 et seq.).

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990.

Section 1540.80 Disability Claims

- a) Nonoccupational Disability and Temporary Disability
- 1) Any member of the Retirement System claiming benefits for nonoccupational disability or temporary disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.
 - 2) If a member makes a payment of contributions to the System in order to establish sufficient credit to qualify for a nonoccupational or temporary disability benefit, payment of the benefit shall accrue as of the later of the 31st day after the member is last entitled to receive compensation or the date of payment to the System. The date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).
 - 3) If a member who is receiving a nonoccupational or temporary disability benefit wishes to make a payment of contributions to extend the period of eligibility for receipt of the benefit, the request to make such payment must be received at the Springfield Office of the System before the period of eligibility terminates and the date of payment of the required contributions shall be determined in accordance with the provisions of Section 1540.220 (a) - (Period for Payment).
- b) Occupational Disability

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- i) any compensation for personal services including fees, wages, salary, commissions, and similar items;
 - ii) any income derived from the participation in a business activity through the performance of physical and/or mental activities generally performed for the production of income.
- B) For purposes of this Section, remuneration shall be computed on a gross rather than net basis (i.e., no deductions of any kind including but not limited to deductions for losses, expenses, taxes or withholding, will be considered in such computation). Remuneration shall also include the fair market value of goods or services received, which if received in money would otherwise constitute remuneration. Remuneration representing gain from the sale, exchange or other disposition of goods or other property shall be equal to, the sum of the amount of money and the fair market value of any property received on such sale, exchange, or disposition, less the amount representing the cost to the seller in acquiring the goods or other property which is sold, exchanged, or disposed of. In applying this Section, the System shall consider the date on which the remuneration was earned rather than when it was received. For purposes of this Section, remuneration may be earned through either self-employment or employment by others.

f) Investigation of Claims

- 1) The Board of Trustees of the State Employees' Retirement System (SERS) recognizes its obligation to provide a systematic program for the continued investigation, control and supervision of disability claims.
- 2) Each disability benefit recipient is required to provide a current medical examination report each 6 months to substantiate continued disability. In order to substantiate the member's continued eligibility for disability benefits, the Disability Claims Examiner may require that the member submit to independent medical examinations and may request additional medical statements; hospital records; activity inspection reports; Department of Employment Security Earning Statements; Social Security benefit payment information; income tax records; or other pertinent information, all as deemed reasonable and necessary by the Examiner. The System will pay for independent medical examinations, hospital records, and activity inspection reports that it requires.
- 3) Failure of a disability benefit recipient to submit to an independent medical examination, to cooperate with an activity inspection, or to provide the information required shall result in suspension of benefit payments.
- g) Definition of Phrase "The Duties of the Member's Position"
The phrase, "The duties of the member's position" shall mean the duties of the member's position as of the date the member's name is

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Any member of the Retirement System claiming benefits for occupational disability shall file at the Springfield Office of the System a written application on forms prescribed by the Board.

c) Licensed Physicians

- 1) Before an occupational, nonoccupational or temporary disability benefit can be approved, one statement must be received from a licensed physician attesting to the disability. An additional statement from a second licensed physician may be required by the disability examiner assigned to the case, depending on the nature of the disabling condition.
- 2) The term "licensed physician" shall mean any individual who has obtained a license through the Department of Registration and Education as described in Section 11(1) and (2) of the Medical Practice Act of 1987 (Ill. Rev. Stat. 1985, ch. 111, par. 4400-11(1) and (2)). All licensed physicians must submit their registration number on all reports submitted to the Retirement System.

d) Report of Physicians

- 1) All physician's reports shall contain, among other things, the date and place of the first examination, the cause and nature of the disability, information regarding surgical work or laboratory tests, the date of last examination, prognosis regarding the member's disability, and an estimate of the probable length of disability.
- 2) All physician's reports shall be signed by a licensed practicing physician or by medical records personnel of a licensed clinic.

e) Gainful Employment

- in the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "Gainful Employment" shall be construed to mean
- 1) any employment for the State of Illinois or
 - 2) any remuneration (fees, salary, compensation, wages) or profit received for personal services in any month which exceeds \$300.00;
 - 3) any gross income from self-employment in any month which exceeds \$300.00; or
 - 4) Self-employment is the actual participation in a business activity through the performance of physical and/or mental activities generally performed for remuneration or profit.

e) Gainful Employment

In the case of occupational, nonoccupational or temporary disability, an individual who is found to be gainfully employed shall have his benefit terminated as of the date such employment commenced. The term "gainfully employed" shall be construed to mean either of the following:

- 1) Any employment by or for the State of Illinois.
 - 2) Any remuneration which exceeds \$500.00 in any month.
- A) For purpose of this Section, "remuneration" shall be defined to mean:

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removed from the payroll without regard to subsequent changes in the duties of the position, availability of the position, or the member's right to return to the position.

(Source: Amended at 14 Ill. Reg. 10498, effective June 19, 1990.)

Section 1540.90 Benefit Offset

a) Occupational Disability and Occupational Death Benefits received under Workers' Compensation Act (Ill. Rev. Stat. 19859, ch. 48, par. 138.1 et seq., as amended) or Workers' Occupational Diseases Act (Ill. Rev. Stat. 19859, ch. 48, pars. 172.36 et seq., as amended) with respect to disability or death of a member shall be applied as an offset against any occupational disability or death benefit provided under the Retirement System with respect to the same disability or death. The Workers' Compensation weekly rate will be converted to a monthly rate for use as an offset to the Retirement System monthly benefit.

1) If the amount of compensation received is less than the monthly benefit provided under the Retirement Act, only the amount of the excess of such monthly benefit over the amount of such compensation shall be payable by the Retirement System, subject, in the case of occupational death, to any minimum benefit provided by Section 14-103.18 and Section 14-121(h) of the Retirement Act. If the amount of compensation received equals or exceeds the monthly benefit provided under the Retirement Act, no benefit shall be payable by the Retirement System during the period compensation is paid under the Workers' Compensation Act or Workers' Occupational Diseases Acts.

2) If the compensation for disability or death is received in a commuted lump sum or partly in a commuted lump sum and partly in monthly or weekly sums, the Retirement System shall, for offset purposes, consider the compensation as if it had been paid at a weekly rate as prescribed under the Workers' Compensation Act or Workers' Occupational Diseases Acts. Salary or wages paid beyond date of disability shall not be considered part of the Workers' Compensation offset.

3) In the event the whole or any part of the benefits received under the Workers' Compensation Act or Workers' Occupational Diseases Act is commuted into one sum, the aggregate sum of the benefits so commuted and not the commuted value thereof shall be used for purposes of ascertaining the amount of offset.

4) No such offset or compensation shall be made after retirement of a member of a retirement annuity.

5) The amount considered for offset purposes shall not be reduced by any legal expenses granted from the award to the member.

6) No offset shall be made with respect to amounts received or paid under the Workers' Compensation Act or Workers' Occupational

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7) Diseases Acts for medical, hospital, or burial expenses. That portion of the occupational death benefit consisting of accumulated contributions of a member shall not be subject to any offset mentioned in this section.

8) The termination of death benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act due to remarriage of the benefit recipient shall cause the offset to the Occupational Death Benefit applicable to the remarried benefit recipient to terminate effective with the last month of eligibility represented in the final benefit payment under the Workers' Compensation Act or Workers' Occupational Diseases Act.

9) In those cases where the injury or death, for which an occupational disability or death benefit is payable, creates a legal liability for damages on the part of some person other than the employer to pay damages, the Workers' Compensation offset shall be applied as follows:

A) Any amounts paid under the Workers' Compensation Act or Workers' Occupational Diseases Act are subject to the offset provisions of Article 14 of the Illinois--Pension Code Retirement Act (Ill. Rev. Stat. 19859, ch. 108 1/2, pars. 14-101 et seq.) and these Administrative Rules, even though such amounts are recoverable under the subrogation section 5(b) of the Workers' Compensation Act.

B) In the event that benefits due under the Workers' Compensation Act or Workers' Occupational Diseases Act are commuted into one sum or waived in lieu of the member seeking recovery against a third party, the System shall use the amount of any judgment, settlement or payment for such injury by the third party as a credit against any benefits paid or payable by the System.

10) Any period(s) of disability for which payment under the Workers' Compensation Act is denied due to the failure of the individual to comply with that Act which result in a period(s) of noncompensability under the Workers' Compensation Act will not be considered for Occupational Disability until the entire Workers' Compensation case has been finalized through the Illinois Industrial Commission.

b) Nonoccupational Disability and Temporary Disability

1) The nonoccupational and temporary disability benefit payable to a covered member shall be offset before age 65 by the amount of Social Security disability benefit payable prior to the member attaining age 65 and after age 65 by the amount of the Social Security retirement benefit for which the individual is first eligible on or after attaining age 65.

2) The Social Security retirement benefit offset will be applied as follows at age 65:

A) For a disability benefit recipient who received Social Security disability benefits before age 65, the Social Security disability benefit payment applied as the offset

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prior to age 65 will remain in effect as the Social Security retirement benefit offset on or after age 65.

B) For a disability benefit recipient who did not receive Social Security disability benefits before age 65, the Social Security disability benefit amount that would have been payable by the Social Security Administration had the disability benefit recipient been disabled for the purpose of Social Security will be used as the Social Security retirement benefit offset at age 65 regardless of acceptance of a Social Security retirement benefit before age 65.

C) When a Social Security disability benefit amount is not provided by the Social Security Administration because the individual is not eligible for a disability benefit for a reason other than not being disabled, the Social Security retirement benefit determined at the date of disability for which the individual is eligible at age 65 will be used for offset purposes at age 65.

3) Disability benefits commencing after age 65 will be offset by Social Security retirement benefits for which the individual is eligible on the commencement of disability.

c) Widows and Survivors Annuities

1) When a monthly widows or survivors annuity is approved on account of a covered employee, the annuity shall be reduced by one-half of any Social Security survivors benefits for which all beneficiaries included in the widows or survivors annuity are eligible.

2) The reduction will commence on the date the beneficiaries first become eligible to receive any portion of the Social Security benefit regardless of whether the beneficiaries elect to accept the Social Security benefit on that date, or if the beneficiaries' own earnings preclude payment of Social Security survivors benefits.

3) If at the time the offset is to be commenced: the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount such amount shall be deducted from the amount of survivors benefit payable by Social Security and the offset computed on the difference; the survivor is eligible to receive a monthly benefit amount based on his/her own Primary Insurance Amount and a governmental pension offset would have been applied to the Social Security survivors benefit, such amount shall be deducted from the amount of the survivors benefit payable by Social Security and the offset computed on the difference.

4) If--the--widow--or--survivor--is--eligible--for--Social--Security survivors--benefits--and--later--becomes--eligible--for--and--receives--a--larger--amount--from--his--own--Primary--Insurance--Amount--the--original--offset--of--survivors--benefits--is--continued--

5) The Social Security reduction amount once established shall remain constant except for the following conditions:

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A) If a survivor under age 50 previously receiving the survivors benefit because of minor children becomes a deferred annuitant then the offset amount will be recomputed when he or she first becomes eligible for Social Security survivors benefits. The offset amount will be based on the original widow's Social Security survivors amount ignoring subsequent increases to the deceased's Primary Insurance Amount. The recomputed offset amount shall be the balance of the Social Security survivors benefit minus the governmental pension offset, if any.

B) The offset amount will be adjusted when a child is removed from consideration for the System's annuity.

C) The offset amount will be adjusted when any benefit recipient(s) become ineligible for Social Security benefits.

D) For deaths on or after the effective date of this Section change, if a survivor under age 62 previously receiving the survivor benefit becomes eligible to receive a monthly benefit amount based on a Primary Insurance Amount on his or her own record, then the offset will be recomputed when (s)he first becomes eligible to receive his or her own Primary Insurance Amount. The offset amount will be based on the estimated widow(er)'s Social Security survivors amount determined at the date of death of the member less the estimated monthly benefit amount based on the Primary Insurance Amount of the survivor determined at the date of death of member, and the government pension offset, if any, ignoring any subsequent increases to the deceased Primary Insurance Amount or the Survivors Primary Insurance Amount. The monthly benefit amount based on the primary insurance amount of the survivor shall be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement including any adjustment due to the application of the Windfall Elimination Provision.

d) Retirement Annuity

Pursuant to Section 14-108(f) of the Retirement Act, for members under age 65, the primary insurance benefit payable to the member upon attainment of age 65 shall, at the date of acceptance of a retirement annuity, be determined from the Social Security Administrations' Personal Earnings and Benefit Estimate Statement, including any adjustments due to the application of the Windfall Elimination Provision. For members over age 65, the primary insurance benefit shall be the amount of social security benefits payable at the date of retirement with the State Employees' Retirement System.

(Source: Amended at 14 Ill. Reg. 10498, effective June 19, 1990)

Section 1540.250 Payments to Establish Credit for Service for Which Contributions are Permitted

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of Part: Issuance of Licenses2) Code Citation: 92 Ill. Adm. Code 10303) Section Numbers Adopted Action

1030.84	Amendment
1030.92	Amendment

4) Statutory Authority: Sections 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 2-104(b)) and Sections 6-100 et seq. of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.)

5) Effective Date of Amendments: June 18, 19906) Does this rulemaking contain an automatic repeal date? Yes X No.7) Does this amendment contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: June 18, 19909) Notice of Proposal Published in Illinois Register: 14 Ill. Reg. 2852 (February 23, 1990).10) Has JCAR Issued a Statement of Objections to this Rule? No.11) Differences between proposal and final version.

Pursuant to suggestions from the Administrative Code Division, Office of the Secretary of State, the following changes were made:

At 1030.84(b)(26), line 3, after "shield", the following was added:
"Pursuant to Section 11-404 of the Illinois Rules of the Road of the Illinois Vehicle Code."

At 1030.92(j), the subsections J01, J02, etc., were labeled 1), 2), etc.

At 1030.92(n), line 4, after "Driver License Medical Review Act", the following new language was deleted, "of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 506-1, et seq.)"

Additional changes were as follow: In the Section source note at 1030.95, "Diplomatic and" was deleted, as this rulemaking was recently adopted; also in the Source note, the following was added to include this recent adoption: "amended at 14 Ill. Reg. 4570, effective March 8, 1990."

At 1030.92(a), the proper citation was added to the new language of the definition of Commercial Driver's License (CDL) as follows: "(Ill. Rev.

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a) If a member has received one or more contribution refunds from the System, service credit may be reinstated only after the two-year minimum service requirement has been satisfied and the member repays the amount of refund(s) previously received together with interest due before retirement either in a lump sum or installment payments by direct payment or payroll deduction. No payment may be applied to any period of service prior to a refund until that refund is paid in full. Service credit will be granted only when a stipulated refund, qualifying, short period or other type of service as set forth in the Act is paid in full; except, in the event of death of the member partial service credit may be granted. Such partial service credit will be based on contributions and interest paid as of date of death. Under the installment option, interest will be calculated on the total amount of contributions for the stipulated period of service through the month of the date the member elects to complete payment. No installment option will be approved for payments of less than \$20.00 per payment or payroll deduction of less than \$10.00 per pay period. If payment is made in full prior to the final due date stipulated in the option, interest will be recalculated and a refund of interest paid to the member, provided such payment is received at least 2 months prior to the due date and is in excess of \$5.00.

c) If a member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.

d) If a member pays the contributions and interest due in full under the installment option, an interest rebate will be paid to reflect interest earned during the installment period. The rebate will be calculated based on regular interest as defined in the Retirement Act. The amount of rebate will be determined as of each June 30 preceding the date of payment in full, based on the total of the payments accumulated in the account at the beginning of each fiscal year. At the time the account is paid in full, the total interest accumulated in the rebate account will be paid to the member. The interest rebate will not be paid if the accumulation is less than \$5.00.

e) If a member elects to receive a retirement annuity, completes a revocation card or for some other reason elects not to complete his installment payment option, all monies paid by the member on such option will be refunded and no service credit granted.

(Source: Amended at 14 Ill. Reg. 10498, effective June 19, 1990)

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Stat. 1987, ch. 95 1/2, par. 6-500(3)."; in addition, the proper citation was added for the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) in the definition of Commercial Driver License Information System (CDLIS), as follows: ("49 CFR Part 383.")

At Section 1030.92(j), the following changes were made: at J04, line 2, after the words Class C, the phrase "or a lesser classification vehicle" was added to the new language; at J07, line 2, after the words Class C, the phrase "or a lesser classification vehicle" was added; additionally, restrictions J12, J13 and J14 were added as new language.

At Section 1030.84(a), in the definition of "Commercial Motor Vehicle", in line 3, the new language "or the Secretary of State" was deleted and replaced with: "(49 CFR 383)"; additionally, in line 9, following the words "recreational vehicles" the words "as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169)" were added.

At Section 1030.84(a), in the definition of "Pedalcycle", last line, the word "horsepower" was corrected to one word.

At Section 1030.84(b)(2), line 3, the words "of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201(b))" were stricken.

At Section 1030.84(5), the language was placed in "Bold" print since it is statutory language.

At Section 1030.84(6), line 4, following the citation, the current language, "of the Illinois Revised Statutes" was reinserted, then stricken.

At Section 1030.84(8), line 13, after the words "Federal law", the proper citation, "(49 CFR 393.93)" was added.

At Section 1030.84(11), the second sentence was changed to read: "Vehicles which have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe"; then a third sentence was added: "Free play is the degree of movement the steering wheel must have before the front wheels move."

At Section 1030.84(27), the Section number was changed to: "11-1404."

At Section 1030.92 (a) in the definition of "Commercial Motor Vehicle", in line 3, the words "or the Secretary of State" were deleted and the proper citation, "(49 CFR 383)" was added; also in line 9, after the word "vehicles" the words "as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169)" were added.

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At Sections 1030.84(a) and 1030.92(a), the definition of "Hazardous Materials" was added; additionally, at Section 1030.92(a) the definition of "Valid License" was reinserted, since it is current language and was omitted previously.

At Section 1030.92(d), last line, after the word "arrangements", the words "pursuant to Section 1030.75 of this Part" was added.

At Section 1030.92(e), line 5, following "mechanical aids", the words "(e.g., hand-operated brake, gearshift extension, shoulder harness, and foot-operated steering wheel)" were added.

At Section 1030.92(f), line 7, following "prosthetic aids", the words "(e.g., artificial legs, artificial hands, hook on right or left arm, and brace on each leg)" were added.

At Section 1030.92(i), line 12, following "arrangement", the words "pursuant to Section 1030.75 of this Part" were added.

At Section 1030.92(j)(14), line 2, the words "pursuant to Section 1030.75 of this Part" were added.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the Agreement Letter issued by JCAR? Yes.

13) Will this rule replace any Emergency Rule(s) currently in effect? No.

14) Are there any other amendments pending on this Part?

Section Numbers	Proposed Action	Illinois Register Citation
1030.55	Amendment	14 Ill. Reg. 2289 (February 9, 1990)
1030.81	New Section	14 Ill. Reg. 5060 (April 6, 1990)
1030.85	Amendment	14 Ill. Reg. 2289 (February 9, 1990)
1030.94	Amendment	14 Ill. Reg. 1902 (February 2, 1990)
Appendix A	Amendment	14 Ill. Reg. 2289 (February 9, 1990)

15) Summary and Purpose of Rule: These proposed rulemakings contain: 1) the safety inspection requirements of a vehicle being used to administer a road test and 2) the types of restrictions which may be added to a driver's license.

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16) Information and answers to questions regarding this Adopted Rule should be directed to:

Nancy S. Short
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
Tel: 217/782-5356

The full text of the Adopted Rule begins on the next page.

NOTICE OF ADOPTED AMENDMENT(S)
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.15	Cite for Re-examination
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Employer Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid
	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts/Road Test
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement For Photograph and Signature of Licensee On Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
Appendix A Questions Asked of a Driver's License Applicant	
Appendix B Acceptable Identification Documents	

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-100 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at

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6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990

Section 1030.84 Vehicle Inspection

a) For the purposes of this Section terms shall be defined as follows:

"Examiner" - employee of the Secretary of State who is qualified to administer ~~the~~ a road test.

"First Division Vehicle" - those motor vehicles which are designed ~~for the carrying of~~ to carry not more than ten persons.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169) when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

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"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)

"Motorcycle" - every motor vehicle having a seat or saddle for use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"Pedalcycle" - motor driven cycle whose speed attainable in one mile is thirty miles per hour or less, which is equipped with a motor which produces two brake horsepower or less.

"Registration Sticker" - a device issued by the Secretary of State to be attached to a rear registration plate that will renew the registration and registration plate or plates for a predetermined period of time.

"Religious Organization Bus" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Second Division Vehicle" - vehicles which are designed for carrying more than ten persons, those designed or used for living quarters, ~~and~~ those vehicles which are designed for pulling or carrying property, freight or cargo, those motor vehicles of the First Division remodeled for use and used as motor vehicles of the Second Division, and those motor vehicles of the First Division used and registered as school buses.

"Secretary of State" - the Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle" - any vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, which is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of such organization.

b) An applicant, who is required to take the road test, as defined in Section 1030.85 of this Part, must provide a representative vehicle for the test. The vehicle will be safety inspected by an examiner prior to the road test. A vehicle which is not properly equipped or which does not have equipment in safe operating order will be rejected for use in the road test. The following equipment shall be safety inspected ~~if~~ as required for ~~all First Division Vehicles~~ the type of representative vehicles being used to administer the road test:

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- 1) Registration plates shall be attached or affixed to the motor vehicle/ one in the front and one in the rear/ every registration plate shall at all times be securely fastened in a position horizontal to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than 12 inches from the ground/ measuring from the bottom of such plate/ in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible/ registration stickers issued as evidence of renewed annual registration shall be attached to registration plates as required by the Secretary of State in pursuant to Section 3-413 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 413, par. 3-413.)/ The owner of a vehicle which does not have registration plates and/or a registration sticker shall present proper documentation, as required by pursuant to Section 3-407 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 3-407), showing that proper registration has been applied for, prior to use of the vehicle for road test.
- 2) When lighted lamps are required by Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-201(b) pursuant to Section 12-201(b) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201(b)) for the road test, motor vehicles shall exhibit at least 2 lighted head lamps/ with at least one on each side of the front of the vehicle/ showing white lights/ or lights of a yellow or amber tint/ parking lamps may be used in addition to/ but not in lieu of/ such head lamps/ motor vehicles shall also exhibit at least 2 lighted lamps/ commonly known as brake lights/ which shall be mounted on the left rear and right rear of the vehicle so as to shine a red light in the reverse direction/ either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required by Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201 and amend it clearly legible have mounted, exhibit and operate such lamps pursuant to Sections 12-201, 12-202, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-201, 12-204, 12-205, 12-207, 12-208, 12-209, 12-210 and/or 12-215.)/ A motorized pedalcycle must have mounted and display a lamp(s) and reflector as required in Section 11-1507.1 of the Illinois Rules of the Road of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, ch. 11-1507.1.)/
- 3) When windshield wipers are required by Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-503(d) pursuant to Section 12-503(d) of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503(d)), they must be in proper operating condition as defined in the same statute.

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- 4) The horn must be in proper working order as defined in the pursuant to Section 12-601 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-601.)/ Horns do not include a siren, whistle, or bell.
- 5) No person shall drive a motor vehicle with any sign, poster, window application, reflective material or nonreflective material upon the front windshield, sidewings, or side windows immediately adjacent to each side of the driver which materially obstructs, obscures or impairs the view from both within or without the vehicle. No person shall drive a motor vehicle with any objects placed or suspended between the driver and the front windshield or rear window which materially obstructs the driver's view. No person shall drive a motor vehicle when the windshield, side or rear windows are in such defective condition or repair as to materially impair the driver's view to the front, side or rear. A vehicle equipped with an unobstructed rear view mirror will be deemed to be in compliance in the event the rear window of the vehicle is materially obscured. as provided in Section 12-503 of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-503.)/
- 6) No vehicle may be used for the road test if one or more tires is unsafe as defined in Section 12-405 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-405.)/ of the Illinois Vehicle Code. A vehicle equipped with metal stud tires may not be used for the road test.
- 7) The service brakes, foot or hand operated, must be in a condition which allows activation with one movement of the activating device. All First and Second Division vehicles must be equipped with an operable emergency brake. A Class M motor-cycle should have two methods of braking. A Class L motor-driven cycle or pedalcycle shall have at least one method of braking.
- 8) Any 1961 or later model motor vehicle that is titled or licensed by the Illinois Secretary of State must be equipped with seat passenger of a 1965 or later model motor vehicle operated on a street or highway in this state shall wear a properly adjusted and fastened seat safety belt as defined in the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-603.1.)/ Such requirements shall not apply to a driver possessing a written statement from a physician that such a person is unable, for medical or physical reasons, to wear a seat safety belt, or to certain motor vehicles which are not required to be equipped with seat safety belts under Federal Law. (49 CFR

393.93.) A retractable lap seat belt shall be provided for the driver of a school bus and must be used by the driver at all times while the bus is being operated. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-807.)

9) Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such motor vehicle. A rectangular rearview mirror shall be located on the right and left sides of each Second Division school bus forward of the driver's seat. The mirrors shall have a minimum horizontal dimension of five inches and a minimum vertical dimension of ten inches.

10) The seat for the person giving the examination must be securely affixed in a location that assures the examiner's safety and allows the examiner to perform proper scoring of the road test as provided by pursuant to Section 1030.85 of this Part. The seat must be free from excessive soil, grease, and should have no protruding springs. Vehicles must not have loose objects on the seats or floors which could pose a danger to the driver or examiner.

11) The steering wheel must not be broken or have any part missing. The steering wheel when worked back and forth shall not have more than 5-10 degrees of free play (approximately 2" at the rim of a 20" steering wheel). Vehicles which have excessive free play (more than 10 degrees) in the steering mechanism shall be rejected as unsafe. Free play is the degree of movement the steering wheel must have before the front wheels move.

12) Both front vehicle doors must be operable from the inside and outside of the vehicle with the standard latching mechanism. Doors may not be wired or strapped shut.

13) Every vehicle and school bus shall be equipped with a width or design which would not allow hand signals to be adequately visible from the front and rear, shall be equipped with an electric turn signal device which indicates the intention of the driver in the power plant to turn to the right or to the left. Such signalling device shall be in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made, and mounted on the same level and as widely spaced laterally as practicable. Turn signal lamps must be visible from a distance of not less than 300 feet in normal sunlight.

14) Every vehicle and school bus shall be equipped with a fire extinguisher which shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-808.)

2) The vehicle shall be equipped with a fire extinguisher which shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-808.)

3) The vehicle shall be equipped with a fire extinguisher which shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-808.)

14) Any vehicle which operates with air brakes must have air brake hoses that are free from breaks, leaks or bulges which may prevent or hinder the safe operation of the vehicle braking system. A vehicle which operates with air brakes will not be permitted to be used for the road test if the air pressure gauge reading falls below 95 pounds per square inch pressure during normal pressure buildup.

15) Three safety flags, flares, fuses or reflectors shall be provided in the all Second Division vehicles as described in Section 12-702 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-702.)

16) An operating speedometer shall be mounted in all vehicles designated as a school bus in such a manner that it is readable to the seated driver.

17) The emergency doors at the front and the rear of the designated school bus should open from the inside. The latch must be in operable condition. An alarm system that is visible and audible to the driver must be activated when the engine is running and the emergency door is unlatched.

18) One fire extinguisher shall be located in a position readily accessible to the driver of a school bus as required by pursuant to Section 12-808 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 12-808.)

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§19) The A school bus shall carry a removable and readily identifiable first aid kit, removable and readily identifiable mounted in full view of and readily accessible to the driver as required by pursuant to Section 12-809 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-809.)

§20) All school buses shall be equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

§21) A school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

§22) A school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

§23) The tailpipe(s) of each Second Division school bus should extend beyond the rear end of the chassis frame, but not beyond the rear of the bumper.

§1) A religious organization bus or senior citizen transportation vehicle may be of any color and have any markings designating its purpose other than those required for school buses as described by pursuant to Sections 12-801, 12-802, 12-804 and 12-806 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-801, 12-802, 12-804 and 12-806.) A road test, for a religious organization bus or senior citizen transportation vehicle shall be administered in any vehicle of the proper representative type for the license endorsement restriction requested. (92 Ill. Adm. Code 1030.92.)

2) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

3) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

4) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

5) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

6) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

7) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

8) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

9) The school bus with a stop arm equipped with an 8-lamp flashing signal system consisting of two alternately flashing red signal lights and two flashing yellow signal lights mounted at the front and rear of the bus as described by pursuant to Section 12-805 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 12-805.) Each signal lamp shall be a sealed beam at least 5 1/2 inches in diameter and shall have sufficient intensity to be visible at 500 feet in normal sunlight. The system shall be actuated only by means of a manual switch. There shall be a device for indicating to the driver that the system is operating properly or is inoperative.

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- 6) One brake light is required on the rear of the vehicle which shall be activated when the service brake is applied.
- 7) A pedalcycle may have a lamp on the front which shall emit a white light visible for at least 300 feet. A red reflector on the rear of the vehicle is also required.
- 8) No vehicle should be used for the road test if one of the tires is considered unsafe under Ill. Rev. Stat. 1983, ch. 95 1/2, par. 12-1403. A vehicle will be rejected if it is equipped with metal-studded snow tires.
- 9) The service brakes should be in such condition as to be activated with one movement of the activating device. A Class M motorcyclist should have two methods of braking. A Class L motorcyclist of pedalcycle shall have at least one method of braking.

1025) No person shall operate any motorcycle, motor-driven cycle or pedalcycle for the road test with handlebars higher than the height of the shoulders of the operator when seated in the upright driving position.

1126) The operator of a motorcycle, motor-driven cycle or pedalcycle, used for the road test shall be protected by glasses, goggles or a transparent shield pursuant to Section 11-1404 of the Illinois Rules of the Road of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-1404.)

27) Second Division vehicles or medical transport vehicles shall display a certificate of safety then in effect pursuant to Sections 13-111 and 13-114 of the Illinois Vehicle Inspection Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 13-111 and 13-114), except those vehicles displaying a Department of Transportation federal census number on the side of the vehicle shall not be subject to such certificate.

(Source: Amended at 14 Ill. Reg. 10510, effective June 18, 1990)

Section 1030.92 Restrictions

- a) For purposes of this Section, the following definitions shall apply:

"Binocular Visual Acuity" - visual reading obtained utilizing both eyes at the same time.

"Commercial Driver's License (CDL)" - a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-500(3).)

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"Commercial Driver License Information System (CDLIS)" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 CFR Part 383), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicle(s) being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-169) when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Driver Services Facility Representative" - employee of the Secretary of State.

"Gross Combination Weight Rating (GCWR)" - the GVWR of the power unit plus the GVWR of the towed unit(s) or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer(s) as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" - substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. (49 U.S.C.A. 1802.)

"Mechanical Aid" - any device added to a motor vehicle which would enhance the operator's ability to safely operate the vehicle.

"Monocular Vision Acuity" - visual acuity reading obtained utilizing individual eye.

"Peripheral Vision" - area of vision from the outside line of direct sight toward the temporal area.

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1) A type of restriction coded as 101 on the driver's license indicates that the Secretary of State has restricted the type of gas accelerating mechanism the person shall use. A person whose restriction shall be added when a person has a weak, missing, or paralyzed arm(s). A person whose restriction shall be added when a person has a weak, missing, or paralyzed leg(s). A power steering restriction is added when a person has a weak, missing, or paralyzed arm(s). The power steering and front wheel shall be added if a person has more than one vehicle and needs both options.

2) A type of J restriction coded as 101 on the driver's license indicates that the Secretary of State has restricted the type of gas accelerating mechanism the person shall use. The gas accelerating pedal to the left of the accelerator shall be added when a person has a missing, weak, or paralyzed leg that is unusable. A hand operated gas pedal shall be added if the person does not wish to add a gas accelerating pedal to the left of the steering column or if the person has both legs missing. A wheel up pedal restriction is added for a person with a short or deformed leg with appropriate numerical indicators includes other restrictions not listed in this Section. These type J restrictions and numerical indicators are as follows:

1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois license.

2) J02 Driver authorized to operate a Religious Organization Bus within classification, as provided in Section 6-106.2 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.2.)

3) J03 Driver authorized to operate a Religious Organization Bus or van within Class D only. The driver took the Religious Organization Bus test in a Class D vehicle, but may hold a Class A, B, or C license.

4) J04 Driver authorized to operate a Religious Organization Bus or van within Class C or a lesser classification vehicle only. The driver took the Religious Organization Bus test in a Class C vehicle, but may hold a Class A or B license.

5) J05 Driver authorized to operate a Senior Citizen Transportation Vehicle within classification. The driver operates a vehicle which is utilized solely for the purpose of providing transportation for senior citizens, as provided in Section 6-106.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.3.)

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6) J06 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class D only. The driver took the Senior Citizen Transportation Vehicle test in a Class D vehicle, but may hold a Class A, B, or C license.

7) J07 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class C or a lesser classification vehicle only. The driver took the Senior Citizen Transportation Vehicle test in a Class C vehicle, but may hold a Class A or B license.

8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in Section 6-106.4 of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-106.4.)

9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motorcycle, as provided in Section 6-103(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-103(2).)

10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.

11) J11 Indicates the driver took the road test on a three wheel motorcycle (Class M) or three wheel motor driven cycle (Class L) and is restricted to a three wheel cycle of the proper class.

12) J12 Driver authorized to operate Class B or lesser classification vehicle for the passenger endorsement.

13) J13 Driver authorized to operate Class C classification vehicle for the passenger endorsement.

14) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 of this Part when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)

15) J29 This restriction appears on the license if more than two J restrictions are placed on the driver.

16) A type of J restriction coded as 101 on the driver's license indicates that the Secretary of State has restricted the type of gas accelerating mechanism the person shall use. A person whose restriction shall be added when a person has a weak, missing, or paralyzed arm(s). A person whose restriction shall be added when a person has a weak, missing, or paralyzed leg(s). A power steering restriction is added when a person has a weak, missing, or paralyzed arm(s). The power steering and front wheel shall be added if a person has more than one vehicle and needs both options.

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brake restriction shall be added when a person with a weak or deformed leg takes his/her feet in a vehicle with electric brakes. An air brake restriction shall be added if a person with a weak or deformed leg takes his/her feet in a vehicle with air brakes. A built-up brake pedal or built-up clutch pedal restriction is added when a person has a deformed or short leg. A clutch and brake bar restriction is added when a person is unable to use both legs while driving a standard shift vehicle.

A type 6 restriction coded as 1E1 on the driver's license indicates that the Secretary of State has restricted a person to a completely hand controlled vehicle. This restriction is added when a person is unable to use his/her legs for driving.

A type 6 restriction coded as 1F1 on the driver's license indicates that the Secretary of State has restricted the type of dinner which a person may use. A hand operated dinner switch or automatic dinner switch restriction is added when a person is unable to depress his/her dinner switch with his/her left leg.

A type 6 restriction coded as 1G1 on the driver's license indicates that the Secretary of State has restricted the person to a built-up shoe. This restriction is added when a person has one leg shorter than the other or is short in stature and cannot reach normally located front controls.

A type 6 restriction coded as 1H1 on the driver's license indicates that the Secretary of State has required a person to use a brace on an arm or leg when operating a motor vehicle. Brake restrictions are added if the person uses arm or leg braces while driving his/her motor vehicle.

A type 6 restriction coded as 1I1 on the driver's license indicates that the Secretary of State has restricted a person to a certain type of gear shift. A gear shift extension restriction is added when a person has difficulty in shifting gears due to a short or deformed right arm. A gear shift lever extension to the left of the steering column restriction is added when a person drives a standard shift vehicle and does not have use of his/her right arm when manipulating the gear shift. A cup device on the gear shift lever is added when a person is missing his/her right hand or his/her lower right forearm or has a deformed hand or arm.

A type 6 restriction coded as 1J1 on the driver's license indicates that the Secretary of State has restricted the type of turn signal a person shall use. A foot operated electric turn signal device restriction is added if a person is unable to activate the standard hand operated signaling device and is unable to use hand signals. An

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electrical device extension to the right of the steering column restriction is added for a person with no left arm or a person who activates the directional signaling device with his/her right hand.

A type 6 restriction coded as 1K1 on the driver's license indicates that the Secretary of State has restricted a person to an artificial foot, leg, arm, or hand while operating a motor vehicle. An artificial leg restriction is added if a person's leg is missing below the knee and the driver has adequate use of his knee. An artificial foot restriction is added if a person's foot is missing. An artificial arm restriction is added if a person's arm is missing and an artificial hand restriction is added if a person's hand is missing. A hook restriction is added if a person's hand(s) is missing and a hook is needed to operate a motor vehicle safely.

A type 6 restriction coded as 1L1 on the driver's license indicates that the Secretary of State has restricted a person to a type of foot operated device. A foot operated steering wheel and/or a foot operated horn and/or a foot operated starter are added when a person is unable to use his/her hand to steer a car and/or activate a horn and/or start a car.

A type 6 restriction coded as 1M1 on the driver's license indicates that the Secretary of State has restricted a person to use a built-up back cushion or a specially designed headset. A built-up seat cushion restriction is added when a person cannot safely operate foot controls because of his/her inability to reach the controls or pedals. A specially designed headset restriction is added when a person needs to steady his/her head because he/she is not able to control his/her neck muscles in order to permit safe vehicle operation. A shoulder harnesses of seat belt/shoulder harnesses combination restriction is added when an individual finds it necessary for stabilizing him/her in the driver seat.

A type 6 restriction coded as 1N1 on the driver's license indicates that the Secretary of State has restricted a person to a class E or M three wheel motor driven cycle or motorcycle.

A type 6 restriction coded as 1O1 on the driver's license indicates that the Secretary of State has restricted a person to use an outside rear view mirror. A right outside rear view mirror restriction is added when a person has problems turning his/her head while backing and/or cannot meet the peripheral vision requirements of Section 103.070(2) and/or takes the road test in a right hand driven vehicle when the steering wheel on the right side. An individual may be restricted to both left and right rear view mirrors if minimum peripheral standards are met by the use of only one eye in accordance with 92 Ill. Adm. Code 103.070 and 103.075.

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- 2) A type 6 restriction coded as 1R1 on the driver's license indicates that the person also holds a valid Iowa Chauffeur License. This restriction is added when a person is a licensed driver in Illinois, but is employed as a chauffeur in the State of Iowa.
- 3) A type 6 restriction coded as 1S1 on the driver's license indicates an out-of-state resident has been issued an Illinois license; only for the purpose of authorizing him/her to operate a school bus in Illinois while still holding a driver's license issued by his/her home state as provided in Section 6106.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, par. 6106.11).
- 4) A type 6 restriction coded as 1T1 on the driver's license indicates that the Secretary of State has authorized the person to operate a religious organization bus as provided in Section 6106.12 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.
- 5a) A type 6 restriction coded as 1W1 on the driver's license indicates that a person has been issued an Illinois Medical Restriction Card which must be presented in addition to a valid Illinois license as provided by Section 6109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, par. 6109.1).
- 5b) A type 6 restriction coded as 1V1 on the driver's license indicates that an out-of-state resident has been issued an Illinois license; only for the purpose of authorizing him/her to operate a religious organization vehicle in Illinois while still holding a driver's license issued by his/her home state as provided in Section 6106.12 of the Illinois Driver Licensing Law of the Illinois Vehicle Code.
- 6c) A type 6 restriction coded as 1VY1 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a child day care vehicle in Illinois while still holding a license issued by his/her home state as provided in Section 511 of the Child Care Act of 1969 (Ill. Rev. Stat. 1987, Ch. 23, par. 511).
- 6d) A type 6 restriction coded as 1W1 on the driver's license indicates that the person is authorized to operate a senior citizen organization vehicle as provided in Section 6106.13 of the Illinois Driver Licensing Law.
- 6e) A type 6 restriction coded as 1X1 on the driver's license indicates that an out-of-state resident has been issued an Illinois license; only for the purpose of authorizing him/her to operate a senior citizen transportation on vehicle in Illinois while still holding a driver's license issued by his/her home state as provided in Section 6106.13 of the Illinois Driver Licensing Law.

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- ff) A type 6 restriction coded as 1Y1 on the driver's license indicates that the person is authorized to operate a commercial van in a for-profit licensing arrangement as provided in Section 6106.14 of the Illinois Driver Licensing Law.
- gg) A type 6 restriction coded as 1Y21 on the driver's license indicates that an out-of-state resident has been issued an Illinois driver's license only for the purpose of authorizing him/her to operate a commercial van in a for-profit licensing arrangement while still holding a license issued by his/her home state as provided in Section 6106.14 of the Illinois Driver Licensing Law.
- hh) A type 6 restriction coded as 1Z1 on the driver's license indicates that a person who is 16 or 17 years of age is authorized to operate an L or M class cycle as provided in Section 6103(2) of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, Ch. 95, 1/2, par. 6103.1211).
- ii) A type 6 restriction coded as 1Z21 on the driver's license indicates that the person has been issued an Illinois driver's license for the purpose of allowing him/her to operate a commercial vehicle as provided in 92 Ill. Adm. Code 1070.80.
- jj) If an individual wishes to appeal a restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:
- 1) a written request stating that he/she wishes to appeal the addition of the restriction; and
 - 2) a letter from his/her physician on the physician's letterhead explaining that the restriction is unnecessary.
- kk) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver's License Medical Advisory Board of the Illinois Department of Public Health for a recommendation pursuant to Section 506.1 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, par. 506.1 et seq.). The Department is then notified in writing of the driver's license medical advisory board's recommendation. After the Department adopts the driver's license recommendation, any further appeal shall be directed to the Driver's License Advisory Board pursuant to Section 5 of the Driver License Medical Review Act of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, Ch. 95, 1/2, par. 506.18).
- k) A type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- l) A type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

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m) If an individual wishes to appeal a type B, C, D, E, F, or G restriction that has been added to his/her driver's license, he/she shall submit the following to the Medical Review Unit of the Department:

- 1) a written request stating that he/she wishes to appeal the addition of the restriction, and
- 2) a letter from his/her physician, on the physician's letterhead, explaining that the restriction is unnecessary.

n) After the necessary documentation has been submitted to the Department, the case shall be forwarded to the Driver License Medical Advisory Board for a recommendation pursuant to Section 506-1 et seq. of the Driver License Medical Review Act. A report of the Driver License Medical Advisory Board's findings, determinations and recommendations shall be forwarded to the Department within seven (7) days for appropriate action. The action taken by the Medical Review Unit of the Department is appealable to the Department of Administrative Hearings. (Ill. Rev. Stat. 1987, ch. 95 1/2, par.2-118.) Further review shall be conducted by the courts pursuant to Administrative Review Law. (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-212.)

(Source: Amended at 14 Ill. Reg. 10510, effective June 18, 1990.)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Correctional Officer's Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2731
- 3) Section Numbers: Adopted Action:
2731.10 Amendment
2731.20 Amendment
- 4) Statutory Authority: Implementing Section 30-14.1 and authorized by Section 30-15.4(f) of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 30-14.4 and 30-15.4(f).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989 13 Ill. Reg. 18204
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

15) Summary and Purpose of Amendments: The amendments update statutory citations and improves certain nomenclature.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmot Road
Deerfield, Illinois 60015

17) The full text of the Adopted Amendments begins on the next page:

PART 2731
CORRECTIONAL OFFICER'S ~~SURVIVOR~~ GRANT PROGRAM

Section 2731.10 Summary and Purpose
2731.20 Correctional Officer's ~~Survivor~~ Grant Program

AUTHORITY: Implementing Section 30-14.4 and authorized by Section 30-15.4 of The School Code (Ill. Rev. Stat. 1989, ch. 122, pars. 30-14.4 and 30-15.4).

SOURCE: Adopted at 9 Ill. Reg. 20780, effective January 1, 1986; transferred from Chapter IX, 23 Ill. Adm. Code 1731 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2731 (Illinois Student Assistance Commission) pursuant to P.A. 86-158, effective July 1, 1989, at 13 Ill. Reg. 17853; amended at 14 Ill. Reg. 10534, effective July 1, 1990.

Section 2731.10 Summary and Purpose

This Part establishes Rules which govern the Correctional Officer's ~~Survivor~~ Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 14 Ill. Reg. 10534, effective July 1, 1990)

Section 2731.20 Correctional Officer's ~~Survivor~~ Grant Program

- a) If a Correctional Officer employed by the Department of Corrections is killed or at least ninety percent disabled in the line of duty, the employee's spouse and children ~~survivors~~ may receive grant assistance under this Part.
- b) ~~Survivors~~ Children are defined as a ~~spouse~~, the natural child, legally adopted child, or any child in the legal custody of the Correctional Officer at the time of death or disability.
- c) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled at least half-time and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.)

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- d) Grant amounts shall be calculated in accordance with Section 30-15.7(c) (1) and (2) of the Higher Education Student Assistance Law (Ill. Rev. Stat. ~~1984 Supp.~~ 1989, ch. 122, par. 30-15.7(c)(1) and (2)) or as later amended. Financial need is not a criterion.
- e) Benefits are limited to the equivalent of eight semesters or twelve quarters of payment.
- f) Applicants shall file a biographical application identifying the deceased/disabled Correctional Officer and will be required to submit a death certificate or proof of disability. Once eligibility has been established on behalf of all eligible survivors in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 14 Ill. Reg. 10534, effective July 1, 1990)

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- 1) The Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3) Section Numbers: Adopted Action:
 2700.20 Amendment
 2700.30 Amendment
 2700.40 Amendment
 2700.50 Amendment
 2700.70 Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15 et seq. as amended by P.A. 86-160, effective January 1, 1990 and Public Act 86-1001, effective July 1, 1990), Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1070 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
 November 27, 1989 13 Ill. Reg. 18207
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments. Clarifications have been incorporated at the suggestion of the Administrative Code Unit and JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No

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- 14) Are there any amendments pending on the Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements Public Acts 86-160 and 86-1001, revises the definition of "Resident of Illinois", and incorporates requested changes and/or clarifications.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmot Road
Deerfield, Illinois 60015
- 17) The full text of the Adopted Amendments begins on the next page:

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2700
GENERAL PROVISIONS

Section	Summary and Purpose
2700.10	Definitions
2700.20	General Institutional Eligibility Requirements
2700.30	General Applicant Eligibility Requirements
2700.40	Determining Applicant Eligibility
2700.50	Electronic Data Exchanges
2700.55	Audits and Investigations
2700.60	Appeal Procedures
2700.70	

AUTHORITY: Implementing the Higher Education Student Assistance Law (Ill. Rev. Stat. 1979, ch. 122, par. 30-15 et seq.), the Education Loan Purchase Program Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15-14a et seq.), Title IV of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11513, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17354; amended at 14 Ill. Reg. 10538, effective July 1, 1990.

Section 2700.20 Definitions

"Academic Level" - The classification of a student as freshman, sophomore, junior, senior, or graduate student.

"Academic Year" - A twelve month period of time, normally from August or September of any year through August or September of the ensuing year.

"Applicant" - Any individual who requests ISAC consideration for a scholarship, grant, tuition waiver, or guaranteed loan.

"Citizen" - One who, under the Constitution and laws of the United States, is a native-born or naturalized citizen of the United States of America.

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"Commission" - The nine member Illinois Student Assistance Commission created by the Higher Education Student Assistance Law (Ill. Rev. Stat. 19879, ch. 122, par. 30-15.3).

"ISAC" - The acronym for the Illinois Student Assistance Commission: the administrative agency created by Section 30-15.3 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 19879, ch. 122, par. 30-15.3) to administer the State's student assistance programs.

"Concurrent Registration" - The contemporaneous maintenance of enrollment at two or more institutions.

"Mandatory Fees" - The charges assessed by an institution to each and every full-time student for each term. Application, graduation, laboratory, breakage and add/drop fees are specifically excluded. For the purposes of these Rules, Tuition is not a mandatory fee.

"ED" - The acronym for the United States Department of Education.

"Eligible Non-citizen" - For the purposes of these Rules, eligible non-citizen is defined as non-citizens eligible for federal student assistance pursuant to Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091) (19879) This definition does not include any later amendments or editions.

"Enrolled" - The status of a student who has completed the institution's registration requirements and is attending classes.

"Executive Director" - The chief executive officer of ISAC.

"Full-time Student" - An individual enrolled for twelve or more credit hours, for either a semester or quarter term.

"Gift Assistance" - Student assistance funds in the form of a scholarship, grant or tuition waiver.

"Good Moral Character" - An applicant is of good moral character if the applicant will benefit from postsecondary instruction and is allowed to enroll at an approved postsecondary institution.

"Guaranteed Loans" - ~~Student~~ Loan assistance through the Robert T. Stafford Loan Program, the PLUS Program, the Supplemental Loans for Students (SLS) Program, or the Consolidation (un)Loan Loan Program.

"Half-time Student" - An individual enrolled for six or more credit hours (but less than twelve credit hours) for either a semester or quarter ~~term~~.

"Independent Student" - For the purposes of these Rules, independent student is defined by Section 480 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1087vv) (19879) A non-independent student is referred to as a dependent student. This definition does not include any later amendments or editions.

"Institution" - Unless otherwise qualified, any secondary or post-secondary educational organization which enrolls students who participate in ISAC programs.

"Pell Grant" - A gift assistance program administered by ED in accordance with Section 411 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1070a et seq.)

"Regular School Year" - An eight to nine month period of time which includes two semester ~~terms~~ or three quarter ~~terms~~. The regular school year excludes summer ~~terms~~ and special ~~terms~~. Programs that begin after April 15 and before August 16 are considered summer ~~terms~~.

"Regulations" - Refers to regulations promulgated by ED and codified at 34 CFR ~~668600~~ et seq.

"Resident of Illinois" -

A non-independent student ~~with at least~~ is a Resident of Illinois if a ~~one~~ Parent of the dependent-Applicant ~~who physically resides within the State of Illinois, or~~.

An Independent Student ~~who resides in~~ is a Resident of Illinois if the Applicant physically resides within the State of Illinois (at the time of application), and has so resided for a period of twelve continuous months immediately prior to September 1 of the Academic Year for which assistance is requested.

When an Applicant does not qualify as a Resident of Illinois under the preceding two subsections and the Applicant is a member of the U.S. Armed Forces or a Foreign Missionary, or is the dependent or the spouse of an individual who is a member of the U.S. Armed Forces or a Foreign Missionary, then the Applicant's residency shall be determined in accordance with this subsection.

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An Applicant who is a member of the U.S. Armed Forces will be a Resident of Illinois if the Applicant physically resided in Illinois immediately prior to entering the U.S. Armed Forces, returned (or plans to return) to Illinois within 6 months of the conclusion of enlistment and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such enlistment.

An Applicant who is a Foreign Missionary will be a Resident of Illinois if the Applicant physically resided in Illinois for six continuous months immediately prior to entering missionary service, returned (or plans to return) to Illinois within six months of the conclusion of missionary service, and can demonstrate (pursuant to Section 2700.50(f)) that his/her domicile was the State of Illinois throughout such missionary service.

The dependent-Applicant shall be a Resident of Illinois notwithstanding the Parent(s) temporary physical absence from Illinois provided the Parent(s) would be a Resident of Illinois under the preceding two subsections.

The spouse-Applicant shall be a Resident of Illinois immediately upon physically occupying a dwelling within the State of Illinois provided the Applicant can demonstrate that his/her absence from the State was the result of residing with the spouse during enlistment or missionary service outside of Illinois and that the spouse-Applicant's domicile continues to be the State of Illinois.

A "Foreign Missionary" is defined as an individual who is assigned duty outside of the United States by an organization that engages in educational, philanthropic, humanitarian or altruistic works. The missionary organization must be exempt from the payment of federal taxes and must have been engaged in placing Foreign Missionaries for at least five years. Examples of such missionary organizations include, but are not limited to, the following: Peace Corps, Evangelical Alliance Mission, etc.

"Rules" - The rules of the ISAC codified at 23 Ill. Adm. Code: Subtitle A, Chapter XIX.

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"Satisfactory Academic Progress" - An institutional policy which establishes minimum standards of academic performance. For purposes of ISAC-administered programs, the standards must be at least as stringent as those required by ED pursuant to Section 434 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1391)

"Term" - A unit of time for student attendance, including, but not limited to, a quarter or semester.

"Tuition" - The charge for instruction assessed by a postsecondary institution.

"Verification" - Procedures implemented by postsecondary institutions to verify the eligibility of applicants. The procedures are established by 34 CFR 668 et seq. (1987) and by these Rules this Part. This definition does not include any later amendments or editions.

(Source: Amended at 14 Ill. Reg. 10538, effective July 1, 1990)

Section 2700.30 General Institutional Eligibility Requirements

a) Program Participation Agreement

- 1) All Institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC Gift Assistance programs.
- 2) The Program Participation Agreement shall identify ISAC programs under which the Institution's students may receive benefits.
- 3) The Agreement shall include provisions requiring Institutions to comply with statutes, Rules and Regulations.
- 4) The Program Participation Agreement may be modified or terminated in accordance with 23 Ill Adm. Code 2790.
- b) With respect to ISAC student assistance programs, Institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their Enrolled recipients.
- c) Institutions shall be subject to possible Limitation, Suspension or Termination of eligibility for failure to comply with statutes, Regulations, Rules, or procedures. See: 23 Ill. Adm. Code 2790.

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- d) Postsecondary Institutions which participate in Gift Assistance Programs shall annually submit to ISAC a copy of both their Satisfactory Academic Progress Policy and their Tuition Refund Policy. Public postsecondary Institutions shall also submit a copy of their policy establishing a minimum grade point average for recipients of grants pursuant to the Illinois National Guard/Naval Militia Grant Program and the Illinois Veteran Grant Program. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary Institutions which participate in Gift Assistance Programs shall annually report their Tuition and fee charges to ISAC on or before June 1 preceding each Academic Year.
- 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for student assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC Gift Assistance Programs.
- 2) The report shall match specific fee charges with the Gift Assistance program(s) which may finance the fee. Such categorizations by the Institution shall not be considered ISAC approval.
- 3) The National Guard/Naval Militia Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. See: 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).
- A) Example: One fee finances both Tuition and text book expenses. Only the portion of the fee which is attributable to Tuition expenses may be financed with program benefits.
- B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the Institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations, and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of the ISAC Rules.
- h) Postsecondary Institutions may apply to participate in ISAC Guaranteed Loan programs in accordance with 23 Ill. Adm. Code 2720.

- i) Postsecondary Institutions may apply to participate in ISAC Gift Assistance programs in accordance with this subsection.

- 1) The Commission approves participation in ISAC student assistance programs for an Institution rather than for specific academic programs within an Institution.

A) When requesting payment of benefits, Institutions shall certify (in accordance with ISAC Rules and/or Federal Regulations) whether enrollment in a particular academic program qualifies the announced recipient to claim ISAC administered benefits.

B) Students Enrolled in academic programs while incarcerated are ineligible for ISAC Gift Assistance benefits.

- 2) Prior to applying for participation in ISAC programs, the institutional Applicant must have authority to operate a post-secondary Institution in Illinois. See: 23 Ill. Adm. Code 1030.

- 3) Institutional Applicants which are fully accredited by the North Central Association and have degree-granting authority shall be approved to participate in ISAC student assistance programs provided the Institution meets the requirements of subsections (i)(4)(C) & (D).

- 4) Institutional Applicants which do not meet the requirements of subsection (i)(3) shall be approved to participate in ISAC student assistance programs if the Institution has:

A) obtained candidate status for North Central accreditation.

B) applied for and is seeking degree-granting authority.

C) obtained at least three letters indicating the transferability of academic credit from the Applicant Institution to other Institutions. The letters must be from Institutions which are approved to participate in the Monetary Award Program (MAP) and are fully accredited by the North Central Association. See: 23 Ill. Adm. Code 2735.60.

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- D) an adequate number of qualified persons to administer their responsibilities under ISAC Rules. In determining whether an Institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the Institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the Institution.

- 5) Once approved to participate in ISAC student assistance programs by the Commission, an Institution shall receive provisional eligibility for a minimum of five academic years.

- A) On or before June 1 preceding each Academic Year, an Institution with provisional eligibility shall annually submit three letters indicating the transferability of academic credit to other Institutions for the following Academic Year. These letters must be from ISAC-approved MAP Institutions which are fully accredited by the North Central Association.

- B) An Institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the Institution meets the requirements of subsection (i)(3) and if there are no outstanding audit exceptions.

- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary Institutions shall have a valid Program Participation Agreement with ED. See: Section 487 of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1094).

(Source: Amended at 14 Ill. Reg.10538, effective July 1, 1990)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an Applicant with a defaulted Guaranteed Loan or a defaulted Perkins Loan, (20 U.S.C.A. 1087aa) is not eligible for benefits under ISAC-administered programs.

- 1) Eligibility for future terms may be reinstated in accordance with the following provisions.

- A) Eligibility for ISAC Guaranteed Loans will be reinstated when the debt has been paid in full.

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- 8) Eligibility for ISAC-administered Gift Assistance will be reinstated when the Applicant has maintained a satisfactory repayment record for at least six consecutive months. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the Applicant, and the frequency of the Applicant's contact with ISAC.

- 2) An Applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one Term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(B), must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.

- b) No Applicant shall receive ISAC-administered assistance if the Applicant owes a refund for: ISAC-administered Gift Assistance, Pell Grant, or a Supplemental Educational Opportunity Grant (SEOG) [20 U.S.C.A. 1070(b)].

- c) An Applicant shall, upon request, provide documentation to establish and verify eligibility. See: Section 2700.50. Failure to supply adequate documentation shall result in the denial of student assistance benefits.

- d) An Applicant supplying fraudulent data shall be denied assistance and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

- e) All Applicants must submit their Social Security Number.

- f) Recipients who cease to be Residents of Illinois after notification of eligibility may complete the Academic Year with the assistance awarded.

- g) Unless otherwise provided, benefits under Gift Assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly. Benefits under Gift Assistance programs are generally limited to the Regular School Year. If funding is available, assistance for summer Terms shall be awarded separately.

- h) When Gift Assistance eligibility is limited to a specified number of Term payments, the eligibility cap is calculated in accordance with this subsection.

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- 1) For each semester Term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter Term of full-time payment benefits, the recipient is assessed four eligibility units.
- 2) For each Term of half-time payment benefits, one-half of the above eligibility units is assessed.
- 3) Sixty eligibility units are the equivalent of payments for ten semester/fifteen quarters of full-time benefits.
- 4) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An Applicant shall submit Selective Service registration compliance documentation to the postsecondary Institution as required by 34 CFR 668.31 et seq.
- j) ~~As Except for grants pursuant to 23 Ill. Adm. Code 2730 and 23 Ill. Adm. Code 2733, an Applicant must be maintaining Satisfactory Academic Progress in accordance with the Institution's policy.~~

(Source: Amended at 14 Ill. Reg. 10538, effective July 1, 1990)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of Applicant eligibility is the responsibility of both the Institution and ISAC.
- b) No Applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Immigration and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC programs, the postsecondary Institution must certify that the applicants are eligible recipients. If an Institution subsequently determines a student is ineligible for the awarded assistance, the Institution must inform ISAC and submit the appropriate refund.

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- d) If an Institution erroneously certifies an Applicant to be eligible, ISAC will recover the erroneous payment from the Institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the Institution to be eligible for ISAC assistance at that Institution.
- e) If an Applicant is selected for Verification in conjunction with federal student assistance, that Applicant shall also be verified for ISAC-administered programs. A selected Applicant must be verified for ISAC programs even if the Applicant is ineligible for federal student assistance.
- f) Because EO Verification procedures do not include procedures for verifying a student as a Resident of Illinois, the following provisions shall be followed by the Institutions.
 - 1) Residency status shall be verified for each Applicant who is selected for Verification and meets one of the following criteria:
 - A) the Applicant has changed dependency status and became an Independent student; or
 - B) the Applicant has not been Enrolled in an ISAC-approved MAP Institution or an ISAC-approved Illinois High School (See Section 2700.30) during the preceding twelve months; or
 - C) the Institution has any information which indicates the Applicant may not be a Resident of Illinois.
 - 2) A valid income tax return, federal or state, may provide proof that an Applicant (or Parent) is an Illinois Resident as defined in Section 2700.20.
 - 3) If an Applicant (or Parent) is not required by law to file an income tax return, or if the tax return does not provide proof of Illinois residency, one or more of the documents listed below may provide proof of residency. For an Independent Student Applicant, the dates of issuance recorded on the documents must indicate the Applicant has resided in Illinois for the relevant twelve continuous months.

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- A) Illinois High School transcript~~±~~
- B) Illinois Driver's License~~±~~
- C) Utility or rent bills in the Applicant's (or Parent's) name~~±~~
- D) Illinois Auto Registration card~~±~~
- E) Residential lease~~±~~
- F) Wage and Tax Statements (IRS Form W-2)~~±~~
- G) Statement of benefits history from the Illinois Department of Public Aid
- H) State of Illinois Identification Card issued by the Secretary of State.

4) If an Applicant is a Resident of Illinois, but the Institution cannot document this fact in accordance with subsections (f)(2) and (3), the Applicant or the Institution may verify residency through the ISAC's appeal process. (See: Section 2700.70.)

g) Institutions may request first Term payment even though Verification is not yet complete. If, after Verification, an ISAC payment adjustment is appropriate, Institutions must submit the appropriate refund. If Verification is not completed within 60 days after the conclusion of the Regular School Year, the Institution shall return the first Term payment to ISAC. For other than the first Term of eligibility in an Academic Year, the Verification process must be completed before the Institution may request payment.

h) When an Institution adjusts an Applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1955, as amended (20 U.S.C.A. 1087kk et seq.), the Institution shall retain documentation which demonstrates the appropriateness of such adjustment.

Source: Amended at 14 Ill. Reg. 10538 effective July 1, 1990

Section 2700.70 Appeal Procedures

- a) Complainants (including Applicants, Institutions and lenders) may appeal an ISAC administrative decision in accordance with this Section. Complainants must submit their appeal within 60 days of the date of an administrative decision by ISAC. If a complainant fails to pursue an appeal within 60 days of an administrative decision, including administrative decisions rendered under Subsections (d) and (e), the complainant forfeits all appeal rights.
- b) All appeals shall be submitted in writing, must specifically invoke the use of ISAC's appeal process and must indicate the specific issue(s) to be reviewed. Each complainant shall be sent a written response within fifteen working days of receipt of the appeal.

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- 1) A complainant may submit any evidence which the complainant believes relevant to the issue appealed. If the ISAC is not able to make a determination based on the information provided, the complainant shall be requested to supply additional written materials related to the issue (e.g., income tax returns, ISAC correspondence).
- 2) The standard of review is whether, based on the manifest weight of the evidence, the administrative decision(s) being appealed is consistent with statutes, Rules and Regulations relevant to the issue appealed.
- c) At the complainant's discretion, a complainant may be represented by legal counsel. Except for appeals pursuant to Section 2700.50 (f)(4) and 23 Ill. Adm. Code 2760.40(a), Applicant appeals shall not be written or submitted by a Tender or Institution. A lender or Institution may advise an Applicant on appeal issues and opportunities.
- d) The complainant shall submit an appeal directly to the appropriate ISAC Manager. An appeal may be pursued through the following appropriate sequence of ISAC's administrative levels ~~appeal to an ISAC Manager~~ ~~appeal to an ISAC Manager~~ culminating with an appeal to the Executive Director. (See: 2 Ill. Adm. Code 5375. Appendix A.)
 - 1) ~~Division Director~~
 - 2) ~~Deputy Executive Director~~
 - 3) ~~Executive Director~~
- e) Adjudicatory hearings are available for complainants who have first used the procedures of Subsection (d). A hearing shall be requested, in writing, within 60 days of the date of the Executive Director's appeal decision.
- f)
 - 1) Within 30 days of the receipt of a hearing request, the Executive Director shall schedule a hearing. The hearing shall be conducted in accordance with 23 Ill. Adm. Code 2790.60(d)-(f).
 - 2) The hearing officer shall issue a recommended decision in accordance with and subject to 23 Ill. Adm. Code 2790.70.
 - 3) Commission dispositions, as provided for by 23 Ill. Adm. Code 2790.70(c), are considered final administrative decisions as defined by the Administrative Review Law. (Ill. Rev. Stat. 1989, ch. 110, par. 3-101 et seq.) The complainant shall be sent written notification of the final administrative decision within ten working days of the Commission's disposition of the appeal.

(Source: Amended at 14 Ill. Reg. 10538 effective July 1, 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Guaranteed Loan Programs
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section Numbers:
- | | |
|----------|-----------|
| 2720.10 | Amendment |
| 2720.30 | Amendment |
| 2720.40 | Amendment |
| 2720.50 | Amendment |
| 2720.70 | Amendment |
| 2720.120 | Amendment |
- 4) Statutory Authority: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.10 et seq.), Title IV, Part B, or the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
- November 27, 1989 13 Ill. Reg. 18222
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments. Clarifications have been incorporated at the suggestion of the Administrative Code Unit and JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes

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- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? Yes
- 15) Summary and Purpose of Amendments: The amendments simplify the deadline for the sale of certain renewal loans as requested by ISAC clients, clarify the distinction between ISAC's two purchase programs, and deletes provisions redundant with federal law.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Willmot Road
Deerfield, Illinois 60015
- 17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

GUARANTEED LOAN PROGRAMS

SUBPART A: LOAN GUARANTEE PROGRAMS: THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM, SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM AND CONSOLIDATION LOAN PROGRAM

Section

2720.15 Summary and Purpose
 2720.16 Definitions
 2720.17 Eligibility for ISAC Loan Guarantees
 2720.18 Lender Eligibility
 2720.19 Institutional Eligibility
 2720.20 Procedures for Obtaining a Guaranteed Loan
 2720.21 Procedures for Disbursement and Repayment
 2720.22 Consolidation Loan/Unit Loan Program
 2720.23 Preclaim Assistance
 2720.24 Reimbursement Procedures
 2720.25 Student Insurance Premium

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.26 Summary and Purpose
 2720.27 IDAPP Eligible Loans
 2720.28 IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

2720.29 ISAC Originated Consolidation Loans

APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.10 et seq.); the Education Loan Purchase Program Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.14 et seq., as amended by P.A. 86-1998, effective July 1, 1988), Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4(f)).

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SOURCE: Adopted at 3 Ill. Reg. 4, p.38, effective January 26, 1979; amended at 5 Ill. Reg. 8639, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 9, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 976, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20736, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990.

SUBPART A: LOAN GUARANTEE PROGRAMS: THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM, SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM AND CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees

- Applicants may apply for a loan guarantee Stafford loan by submitting either an ISSG ISAC approved application form, or by submitting one of the applications specified at 23 Ill. Adm. Code 1735.20. When applying for a PLUS or SLS loan guarantee, the applicant shall utilize the PLUS or SLS application form. Applications are available from lenders, institutions, or ISSG.
- The student and borrower(s) must be citizens or eligible non-citizens. Eligibility requirements for Guaranteed Loans are established by Federal Regulations.
- The student must be Enrolled, or accepted for enrollment, at an approved postsecondary institution which has certified the Applicant as eligible for a Guaranteed Loan on at least a half-time basis. If the student is attending an approved foreign institution, the student and borrower(s) must be citizens of the United States.

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- d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), Federal Regulations and of this ~~Part~~ Subpart.
- e) No loan guarantee shall be issued to ~~any student~~ if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078)
- f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.
- 1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.
- Example: A student desires a Stafford Loan for a two semester period of enrollment beginning 8/20/87 and concluding 5/15/88. During the fall 1987 term the student will be a sophomore and during the spring 1988 term the student anticipates attaining the Academic Level of Junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 loan permitted sophomore borrowers.
- 2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. See Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091)

~~g) Student enrolled in a secondary institution may not utilize Guaranteed Loan proceeds to enroll concurrently in a vocational institution.~~

(Source: Amended at 14 Ill. Reg. 10553, effective July 1, 1990)

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Section 2720.30 Institutional Eligibility

- a) ~~Institutional eligibility requirements are specified in Federal Regulations. Eligible postsecondary institutions include universities, colleges, graduate schools, schools of nursing, business, trade, technical, and vocational schools. Correspondence Institutions/programs are not eligible.~~
- b) Institutions must have executed a Program Participation Agreement with ED in order to participate in ISAC's Guaranteed Loan Programs. See: 34 CFR 668.12 et seq.
- ~~b) Borrower(s) shall be responsible for the full amount of the loan if an Institution declares bankruptcy or ceases operation.~~
- c) When an approved Institution has a change of ownership, location, or name as defined by Federal Regulations, the Institution's Program Participation Agreement is terminated. The Institution may have eligibility reinstated by the execution of new Program Participation Agreements with ED. See e.g.: 34 CFR 600.30 et seq.
- d) An Institution may not engage in loan origination activities. This prohibition shall not apply if the Institution has an ED approved Origination Agreement, provided the agreement is on file with ISAC. See: 34 CFR 682.601.
- e) Approved Institutions shall provide ISAC with the current enrollment status of students the Institution certified as eligible borrowers. ISAC shall request enrollment data in accordance with a schedule published on an annual basis.
- f) Approved Institutions must demonstrate the requisite administrative capability and financial responsibility, as defined by Federal Regulations. See, e.g.: 34 CFR 668.143 et seq.
- g) Vocational Institutions shall annually submit graduate employment data to ISAC, as required by 34 CFR 668.44.
- h) When certifying a borrower eligible for a loan guarantee, the Institution shall provide ISAC a loan disbursement schedule consistent with Section 428G of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078-7) Should the Institution fail to provide ISAC a disbursement schedule that is consistent with federal law, ISAC shall assign the loan a disbursement schedule that is consistent with Section 428G of the Higher Education Act of 1965, as amended.

(Source: Amended at 14 Ill. Reg. 10553 effective July 1, 1990)

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Section 2720.40 Procedures for Obtaining a Guaranteed Loan

- a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee and an application/promissory note form. All promissory notes must be in the form furnished by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.
- b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.
- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, the ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.
- 2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.
- c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.
- d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.
- e) The application/promissory note must be signed in ink. Signature stamps shall not be used.
- f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.
 - 1) If a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loan(s) with a prior Lender, the following provisions apply:
 - A) A Stafford Loan will be guaranteed if the Lender has purchased all outstanding subsidized Stafford Loans.
 - B) A PLUS loan will be guaranteed if the Lender has purchased all outstanding PLUS Loans made on behalf of the same student.
 - C) A SLS loan issued by a commercial Lender will be guaranteed if the Lender has purchased all outstanding SLS Loans made by another commercial Lender.

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- D) A SLS loan issued by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is Enrolled and the borrower has not previously obtained a SLS Loan through a commercial Lender.
- 2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, a subsequent loan will be guaranteed provided:
 - A) the renewal loan is issued by the same Lender that issued the previous loans; and
 - B) the Lender sells the renewal loan to the Holder prior to the Lender must sell the loan by the ending loan term date. ~~Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.~~ ~~May 1 following the guarantee date, whichever is earlier.~~
- 3) The requirements of subsection (f)(1) shall not apply if:
 - A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.
 - B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.
- g) Co-maker and Co-signers
 - 1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.
 - 2) The Lender shall not require a co-maker or co-signer on a Stafford Loan or accept security for payment thereof.
 - h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at 14 Ill. Reg. 10553 effective July 1, 1990)

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Section 2720.50 Procedures for Disbursement and Repayment

- a) Disbursement and repayment procedures are specified in Federal Regulations.
- b) Prior to Disbursement, the borrower(s) shall execute a completed application/promissory note(s) for the principal and interest on the loans. The Lender shall retain the original copy of the application/promissory note.
- c) The Lender shall transmit to ED any and all statements and reports necessary to obtain federal interest payments on the borrower(s)' behalf. The Lender shall not collect or attempt to collect from the borrower(s) or ISAC any portion of the interest on the loan which is payable by ED.
- d) Except for loans pursuant to Section 2720.55, the Lender shall not disburse the proceeds of any loan on the borrower(s)' behalf unless and until the Lender shall have received from ISAC evidence of a guarantee. The Lender shall inform ISAC of all loans through submissions of the Student Status Confirmation Report.
- e) Stafford Loan and SLS loan proceeds shall be transmitted directly to the Institution. PLUS loan proceeds shall be delivered to the borrower by the Lender. The Lender shall notify the educational Institution of all PLUS Disbursements.
 - 1) The student loan check shall be payable to the borrower unless the borrower has authorized, in writing, a co-payable loan check.
 - 2) If the proceeds have not been disbursed to the borrower within ninety days after the conclusion of the Term, ISAC approval is required prior to Disbursement. Factors to be considered by ISAC in evaluating the borrower's Disbursement request include whether the delay in Disbursement was avoidable by the borrower, whether the borrower was familiar with the loan application process through prior ISAC borrowing, whether the borrower had difficulty locating a Lender willing to issue a loan, and other extenuating circumstances (e.g., death in the borrower's family).

- 3) If the borrower has withdrawn from enrollment, in accordance with and Federal Regulations require the Institution ~~must~~ to submit a refund to the Lender. ~~See e.g., 34 CFR 682.607, the~~ the refund shall be in the form of a check payable to the Lender on behalf of the borrower. The Institution shall provide simultaneous written notice to the student of the refund.

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- A) If the Institution fails to issue a timely refund, as defined by Federal Regulations, the Institution shall pay penalty interest.
- B) The penalty interest shall equal the total amount of interest and special allowance generated by the principal value of the refund amount. The penalty interest shall be computed from the date the refund was due until the date the refund was issued.
- C) The penalty interest shall be paid to the Lender or subsequent Holder.
- f) The borrower(s) shall have the right to prepay without penalty the whole or any part of a loan guaranteed hereunder. If less than all outstanding notes are prepaid, the notes shall be prepaid in the order of their execution dates commencing with the earliest. Any prepayment of the borrower requests otherwise, in writing, any prepayment made thereon shall be credited wholly to the principal.
- g) The Lender or Holder shall send a repayment schedule and disclosure statement to the a Stafford borrower(s) no later than 30 days prior to the expiration of the borrower(s)' grace period. The Lender or Holder shall send a repayment schedule and disclosure statement to a PLUS, SLS and unloan borrower no later than 30 days prior to the due date of the first payment. ~~The borrower(s)' notes are incorporated by reference into the signed repayment schedule and disclosure statement.~~
 - 1) ~~On or before the first payment date defined in the note(s), the borrower shall begin making installment payments pursuant to said schedule. The note maturity date will be calculated in accordance with the requirements of Federal Regulations.~~
 - 2) ~~The maturity date identified in the most recent note updates the maturity date of all previous notes, provided the borrower has not previously entered repayment.~~
 - 3) ~~The borrower(s) may defer their repayment obligations in accordance with this Section.~~
- h) The Lender or Holder shall notify ISAC of payment in full or prepayment in full, ~~through submissions of the Student Status Confirmation Report.~~
- i) In accordance with Federal Regulations, the Lender or Holder may extend the maturity date of any note. If the Lender or Holder agrees to extend said note, then the borrower(s) must execute a forbearance agreement. A forbearance agreement may be approved for a period of up to one year at a time.

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- j) Borrowers are entitled to deferments, which extend the maturity date of any note(s), under conditions established by Federal Regulations. The borrower(s) shall be responsible for submitting to the Lender a completed deferment ~~(extension)~~ agreement.
- k) ISAC provides Lenders with the forms necessary for servicing their Guaranteed Loan portfolio (e.g., deferment forms, forbearance forms). With advance ISAC approval, Lenders may use non-ISAC forms. ISAC shall approve the use of alternative forms provided the alternative form is ED-approved and is compatible with ISAC's data processing requirements.
- l) No note shall be sold or transferred by the Lender except to an ISAC-approved Lender, an ISAC-approved Holder, or ISAC.

(Source: Amended at 14 Ill. Reg. 10553, effective July 1, 1990)

Section 2720.70 Reimbursement Procedures

- a) If a borrower dies or becomes permanently and totally disabled, the Lender or Holder shall request reimbursement from ISAC within 60 days of the Lender's receipt of the borrower's loan cancellation request. Requests for default reimbursement must be submitted to the ISAC no earlier than 180 days after the first date of delinquency and no later than 270 days after the date of delinquency. The Lender or Holder shall be reimbursed, in accordance with Federal Regulations, ~~for 100% of the outstanding principal balance and the interest which accrued from the default date to fifteen (15) days after the Illinois State voucher is completed.~~ On PLUS loans all co-makers must meet the default criteria contained in Federal Regulations.
- b) The Lender or Holder must request ISAC reimbursement for bankruptcy claim in accordance with Federal Regulations. See, e.g.: 34 CFR 682.402. The request for reimbursement must be submitted within 30 days of the Lender's receipt of notice that the loan is eligible for reimbursement. A copy of the restraining order and the appropriate papers should be included. On PLUS loans, all co-makers must meet the bankruptcy criteria.
- c) Prior to reimbursement, the Lender or Holder must certify compliance with federal due diligence requirements and subsection (f). Prior to reimbursement, the Lender must have remitted the insurance premium established by Section 2720.80.

- d) The Lender or Holder shall forward to ISAC any payments made by or on behalf of the borrowers after default reimbursement and shall advise ISAC of any subsequent information received concerning the student. Prior to reimbursement, all original notes must be properly endorsed and submitted to ISAC. If the notes have been erroneously stamped "paid in full", or lost, the Lender or Holder shall execute a hold harmless agreement with ISAC.
 - e) No fee or charge, other than the maximum interest rate prescribed by ED, including the student insurance premium, and the federal loan origination fee, shall be contracted for or received by the Lender, except that a delinquency charge is permitted on each installment ~~in default for a period of not less than ten days. The amount of the delinquency charge cannot exceed five per cent (5%) of the delinquent installment, or five dollars (\$5.00), whichever is less.~~
 - f) The Lender or Holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by Federal Regulations. See, e.g., 34 CFR 682.411.
 - g) ISAC shall collect the outstanding amount on the Guaranteed Loan. If the borrower refuses to retire the debt, ISAC shall litigate or assign the account to a licensed collection agency.
 - h) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
- 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. See: 23 Ill. Adm. Code 2700.40(a)(2).
 - 3) ISAC shall notify a borrower fifteen days prior to the first offset. ISAC shall not provide additional notice of subsequent offsets for the same debt. Should the borrower dispute the debt, an appeal must be filed within fifteen days of the date of the notice. Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70. If the requested relief is granted, the funds offset shall be returned to the borrower.
 - 4) Funds eligible to be offset include, but are not limited to, state income tax refunds and the wages of state employees.

(Source: Amended at 14 Ill. Reg. 10553, effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART 8: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IOAPP)

Section 2720.120 IOAPP Eligible Loans

a) ~~ISAC will purchase non-delinquent loans which are guaranteed pursuant to this Part.~~

ab) Original Contract Program

1) ISAC will also purchase Stafford Loans which are 30-90 days delinquent on installments of principal or interest ~~of loans~~ and Stafford Loans for which the borrower has failed to meet other contractual obligations. Loans in default are not eligible for purchase and should be submitted for reimbursement in accordance with Section 2720.70.

e) 2) ~~At the Lender's request, ISAC will~~ Under this program ISAC will also purchase Stafford Loans in deferred status because of the borrower's unemployment or which have been granted a forbearance by the Lender.

3) All accounts submitted for purchase must have an annual cumulative average loan size of at least \$2,000.

db) The Lender must be in compliance with Federal Regulations and ISAC Rules up to the date of the sale. ISAC will decline to purchase any account if the Lender cannot demonstrate the loan was originated and serviced in accordance with all program requirements.

c) If a Lender requests ISAC to purchase an account that was previously rejected for purchase by a different secondary market, ISAC will purchase the account only if the loan is current (non-delinquent) and has an outstanding balance of at least \$3,500.

ed) In cases where a borrower's loan is held by ISAC and the borrower requests a renewal loan, and where such borrower has established a satisfactory relationship with ISAC, the original Lender must agree to make the renewal loan to the borrower with the understanding that such loan will be immediately purchased by ISAC to consolidate the student's indebtedness. See: Section 2720.40(f)(2).

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

fe) Default Prevention Program

1) In cases where a Lender executes a contract authorizing participation in the Default Prevention Program, ISAC will purchase the additional types of Guaranteed Loans ~~loans~~ specified in subsection (ge)(2). All accounts submitted for purchase must have an annual cumulative average loan size of at least \$3,500.

2) ISAC will purchase the following additional types of ~~loans~~ Guaranteed Loans:

- A) all deferred loans other than unemployment deferments;
- B) loans from borrowers who have moved;
- C) loans from borrowers who have failed to respond to the Lender's written inquiry;
- D) loans from graduate student borrowers, and
- E) loans that do not fall under any preceding criteria classification.

gf) Upon the sale of an account to ISAC, the Lender shall report the transfer of ownership to the credit reporting agency utilized by the Lender. The Lender shall not advise the borrower's credit rating.

(Source: Amended at 14 Ill. Reg. 10553, effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois National Guard Grant
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3) Section Numbers: Adopted Action:
2730.10 Amendment
- 4) Statutory Authority: Implementing and authorized by the National Guard Scholarship Act (Ill. Rev. Stat. 1987, ch. 129, pars. 421 et seq.).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989 13 Ill. Reg. 18236
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: The words "Naval Militia" in the title of the Part and in the text have been deleted. Clarifications have been incorporated at the suggestion of the Administrative Code Unit and JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: Grant recipients are now required to maintain a minimum grade point average in lieu of complying with institution standards of satisfactory academic progress.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmot Road
Deerfield, Illinois 60015
- 17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

* PART 2730

ILLINOIS NATIONAL GUARD/NAVAL MILITIA GRANT

Section

2730.5 Summary and Purpose

2730.10 Applicant Eligibility

2730.20 Program Procedures

AUTHORITY: Implementing and authorized by The National Guard Scholarship Act (Ill. Rev. Stat. 1982, ch. 129, pars. 421 et seq.)

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 5 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990.

Section 2730.10 Applicant Eligibility

- a) Students must file an application annually indicating the Institution to be attended. Application deadlines are specified in Subsection 2730.20(d).

- 1) Eligible Applicants will receive an Eligibility Letter from ISAC each Academic Year following the filing of the application. This letter must be delivered to ISSC representative of the educational Institution at which the student is Enrolled. Ineligible Applicants will receive a written notification from ISAC of their ineligibility to receive program benefits.

- 2) ISAC verifies application data in consultation with the Illinois Department of Military Affairs.

- b) Applicants must be on active duty and must have served for at least one year in the Illinois National Guard or Naval Militia. Eligibility is available to any enlisted person or any company grade officer including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, and ensigns, lieutenants junior grade and lieutenants in the Naval Militia.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- c) Fees exempted by this program are limited to Tuition, registration, graduation, and general activity fees. Fees for which the recipient remains financially responsible include: book rental, laboratory, air flight, health insurance, room and board, parking, union, supply, hospital, athletic, and proficiency exams.

- d) Recipients must maintain Satisfactory Academic Progress an acceptable grade point average as determined by the Institution pursuant to a published policy.

- e) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement.

- f) Benefits may be used at Illinois public senior universities and at any Illinois public community college.

(Source: Amended at 14 Ill. Reg. 10567, effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Illinois Veteran Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Numbers:
2733.20 Amendment
2733.30 Amendment
- 4) Statutory Authority: Implementing Section 30-15.7d and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.4 and 30-15.7d, as amended by P.A. 86-160, effective January 1, 1990).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989 13 Ill. Reg. 18239
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No changes were made to the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

- 15) Summary and Purpose of Amendments: This rulemaking implements P.A. 86-160 and provides requested clarifications. The amendments raise the eligibility ceiling of the grant to 16 (formerly 14) years after the first term of IVG benefits and substitutes a grade point average requirement in lieu of satisfactory academic progress requirement for IVG recipients.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, Illinois 60015

- 17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

- f) Fees Exempted by the IVG
- 1) The recipient is exempted from paying the following most fees including:

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2733

ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section
2733.10
2733.20
2733.30

Summary and Purpose
Grant Eligibility
Program Procedures

AUTHORITY: Implementing Section 30-15.7d and authorized by Section 30-15.4(f) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 19951989, ch. 122, pars. 30-15.4(f) and 30-15.7d), as amended by P.A. 84-1244 effective July 29, 1986.

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990.

Section 2733.20 Grant Eligibility

- a) A recipient must have been designated a Qualified Veteran.
See: Section 2733.30(a).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment.
- c) A recipient must maintain Satisfactory Academic Progress an acceptable grade point average as determined by the Institution pursuant to a published policy.
- d) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit hour enrollment requirements and benefits are applicable for non-credit courses.
- e) Benefits may be used to Enroll at Illinois public senior universities and Illinois public community colleges.

- g) Benefits are limited to the equivalent of four Academic Years of Full-time enrollment.

- 1) To determine the amount of eligibility a recipient has used, credit hours will be converted to "eligibility units" according to the following table:

Number of Hours	Semester Term	Quarter Term
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
up to 2.99 hours	1 unit	1 unit

- 2) Recipients may accumulate up to 120 eligibility units, after which eligibility for program benefits is terminated. If a recipient has accumulated less than 120 eligibility units, the recipient may receive full program benefits for one additional Term.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 3) In the event that a recipient withdraws from a course(s) prior to the end of a Term, eligibility units will be assessed in proportion with the total dollars that are paid. If the recipient has had any portion of his/her Tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is Enrolled for twelve semester hours at a cost of \$300.00. The recipient withdraws from enrollment and incurs expenses of \$150.00 in accordance with the Institution's Tuition refund policy. The recipient would utilize six eligibility units and receive \$150.00 in benefits.

- 4) The eligibility units utilized for a non-credit course shall be the same as the number of eligibility units utilized for a credit course having the same number of faculty contact hours.

- h) Notwithstanding the provisions of subsection (g), eligibility shall terminate upon the expiration of ~~fourteen~~ sixteen years from the beginning date of the first Term of assistance. Should the ~~fourteen~~ sixteen years expire after the start of a Term of study, the recipient may complete the Term with the grant awarded. No recipient's eligibility shall be terminated pursuant to this subsection prior to August 1, ~~1989~~ 1991.

(Source: Amended at 14 Ill. Reg. 10571, effective July 1, 1990)

Section 2733.30 Program Procedures

- a) Applicants must apply to ISAC for designation as a Qualified Veteran. ISAC shall issue a notice of eligibility to an Applicant who is a Qualified Veteran as defined by this subsection.

1) Definition of "Qualified Veteran"

- A) Any person who served in the Armed Forces of the United States who at the time of entering service was an Illinois resident or was an Illinois resident within 6 months of prior to entering such service, and who after leaving service returned to Illinois within 6 months.
- B) Any veteran who, at the time of entering the Armed Forces, was a student at a State-controlled college or university or community college and who, after leaving service, returned to Illinois within 6 months.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- C) Any member of the Armed Forces of the United States who has served at least one year of active duty and who would be a Qualified Veteran under this subsection if honorably discharged from such service.
- D) An individual is not a Qualified Veteran if the individual was discharged from the Armed Forces of the United States under less than honorable conditions. An individual is not a Qualified Veteran if the individual's active duty with the Armed Forces was for less than one year unless:
- i) the Veteran was honorably discharged from such service for medical reasons directly connected with such service; or
 - ii) the Veteran was honorably discharged prior to August 11, 1967.

- 2) The term "Armed Forces" shall be defined as the United States Army, Air Force, Navy, Marines and Coast Guard. Members of the Student Army Training Corps and a state's National Guard/militia are not eligible for assistance.

- 3) The Applicant shall submit documentation to ISAC which demonstrates eligibility for designation as a Qualified Veteran.

- A) Applicants should submit a copy of their Report of Separation (Form DD 214) with their application.

- B) If the Applicant does not have a copy of the DD 214, the Applicant should submit documentation which provides, the following information: date of entry; date of separation; type of discharge; total active service; home or place of entry into the service; and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the Veterans Administration.

- C) If the Applicant is a member of the Armed Forces at the time of application, the Applicant shall submit a copy of the Enlistment Contract, (Form DD4) and a letter from the commanding officer. The letter must indicate the Applicant is a member of the Armed Forces at the time of application.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 4) If the Applicant's DD 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, the Applicant may establish Illinois residency in accordance with the documentation requirements of 23 Ill. Adm. Code 2700.50 (f)(3). The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is not applicable to the Illinois Veteran Grant Program.
- 5) If an Applicant is designated a Qualified Veteran pursuant to subsection (a)(1)(C), such designation shall expire upon discharge from the Armed Forces.
- b) Qualified Veterans shall be issued a notice of eligibility. To receive an Illinois Veteran Grant, Applicants must submit a copy of their notice of eligibility to the Institution within three months following the last scheduled day of classes for the Term for which a grant is requested. Qualified Veterans who received an Illinois Veterans Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may receive an Illinois Veteran Grant by submitting a copy of their IVS ID card to the Institution.
- c) Institutions shall submit a payment request to ISAC. The deadlines for submission of a complete payment request shall be October 15 for summer Terms; February 15 for first Term; and June 25 for second semester/second and third quarter. When submitting payment requests, the Institution shall certify that the Qualified Veteran meets the requirements of Section 2733.20.
- d) The reimbursement to Institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, Institutions will be reimbursed in accordance with this subsection.
 - 1) Summer Term claims received by the deadline date designated in subsection (c) will be paid, or prorated if funding is insufficient to pay all claims in full.
 - 2) If funds remain after summer Term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full.
 - 3) If funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full.
 - 4) In the event that funds are not exhausted, claims received by ISAC after the designated deadline dates will be paid or prorated.

(Source: Amended at 14 Ill. Reg. 10571, effective July 1, 1990)

- 1) The Heading of the Part: Merit Recognition Scholarship (MRS) Program
- 2) Code Citation: 23 Ill. Adm. Code 2761
- 3) Section Numbers:

2761.10	Amendment
2761.20	Amendment
2761.30	Amendment
2761.40	Repealed
- 4) Statutory Authority: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-15.7b as amended by P.A. 86-461 effective July 1, 1989).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:

November 27, 1989	13 Ill. Reg. 18245
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- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments. Clarifications have been incorporated as requested by the Administrative Code Unit and JCAR staff.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments: Public Act 86-461 substantially revised the MRS program including increasing the scholarship to a \$1,000 award (one-time only) for the top 5% of each high school graduating class. This rulemaking implements these statutory amendments and provides for the multiple disbursement of scholarship funds.

16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmot Road
Deerfield, Illinois 60015

17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2761
MERIT RECOGNITION SCHOLARSHIP (MRS) PROGRAM

Section
2761.10 Summary and Purpose
2761.20 Definitions
2761.30 Application Program Procedures
2761.40 Program Procedures (Repealed)

AUTHORITY: Implementing and authorized by Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.7b).

SOURCE: Adopted at 9 Ill. Reg. 10277, effective July 5, 1985; amended at 9 Ill. Reg. 20849, effective January 1, 1986; amended at 11 Ill. Reg. 3220, effective January 29, 1987; amended at 11 Ill. Reg. 14127, effective August 10, 1987; amended at 12 Ill. Reg. 11543, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1761 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2761 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17863; amended at 14 Ill. Reg. 10578, effective July 1, 1990.

Section 2761.10 Summary and Purpose

a) The Merit Recognition Scholarship Program encourages and rewards the distinguished academic achievement of Illinois high school graduates. The scholarship is a \$5001,000 award which may be renewed once for a total Merit Recognition Scholarship of \$1,000. The scholarship must be used for enrollment at an approved Illinois college or university, postsecondary institution.

b) This Part establishes rules which govern the Merit Recognition Scholarship Program. Additional rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 14 Ill. Reg. 10578, effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Section 2761.20 Definitions

"Approved High School" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1985, ch. 122, par. 30-15.2(c)).

"Cumulative Grade Point Average" - The average grade earned throughout a student's educational program. The calculation shall be consistent with the Institution's established policy or practice and shall be the same as those completed for admission, placement, or other similar purposes.

"Eligible Applicant" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1986-Supp-1989, ch. 122, par. 30-15.7b)

"Graduating Class" - The total number of students to complete the high school's program of instruction and graduate within an Academic Year.

"Graduation Date" - The date which terminates the Academic Year for graduating high school students. If an Approved High School has more than one commencement exercise a year, the Approved High School shall designate one Graduation Date for each twelve month Academic Year.

"Institution of Higher Learning" - Defined at Section 30-15.2(c) of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1983, ch. 122, par. 30-15.2(c)).

"Qualified Student" - Defined at Section 30-15.7b of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1986-Supp-1989, ch. 122, par. 30-15.7b)

"Seventh Semester" - The period of instruction, at the completion of which, a student has completed eighty percent of the Approved High School's program of instruction. The seventh semester will usually be the student's next-to-last Term.

(Source: Amended at 14 Ill. Reg. 10578, effective July 1, 1990)

Section 2761.30 Application Program Procedures

- a) In February of every year, Approved High Schools in Illinois shall certify to the Illinois Student Assistance Commission (ISAC) the names of students who are Eligible Applicants.

1) The certification of names shall be submitted on forms provided by ISAC. Certifications submitted by Approved High Schools shall be subject to audit by ISAC.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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2) Eligible Applicants must have completed their seventh semester of instruction at an Approved High School in Illinois.

- b) Eligible Applicants shall be sent a Merit Recognition Scholarship application, in accordance with Section 1761.40(b) and (c), the application which must be completed by the student and the postsecondary Institution attended by the Applicant. A complete application must be received by ISAC prior to June 15th of the Academic Year following graduation from the Approved Illinois High School. Should the recipient transfer to a different Institution after submission of the application, the enrollment transfer must be reported to ISAC in order to receive scholarship payments. ISAC will identify Qualified Students in accordance with Section 1761.20. The initial Merit Recognition Scholarship must be utilized in one of the two Academic Years which follow school graduation.

c) Scholarship Renewals

- 1) All students claiming an initial Merit Recognition Scholarship shall be sent a renewal application. All scholarship recipients are eligible to apply for a one-time renewal. The renewal scholarship must be utilized in the Academic Year following usage of the initial award.
- 2) A renewal Applicant must be an Illinois resident and a Citizen or permanent resident of the United States. During the Academic Year of the initial award, the renewal Applicant also must have:
- A) Completed two semesters, or three quarters, or one semester and one quarter of study;
 - B) Completed the aforementioned terms with at least half-time enrollment;
 - C) Completed the aforementioned terms with an established Cumulative Grade Point Average no lower than 2.5 on a 4.0 scale; and,
 - D) Maintained Satisfactory Academic Progress.

c) ISAC shall disburse scholarship funds in two or three increments depending on the number of Terms financed by the scholarship. Scholarship funds may be used to finance expenses for a summer Term.

1) The application form constitutes a request for payment of first Term benefits. ISAC shall issue payment request rosters for Institutions to request payment for subsequent Terms.

2) Funds shall be remitted to Institutions on behalf of the Qualified Students. When requesting payment of scholarship funds, the Institution shall certify that the recipient is: a U.S. Citizen or Eligible Noncitizen; a Resident of Illinois; of Good Moral Character; accepted for enrollment on at least a half-time basis; not the recipient of a baccalaureate degree.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 3) Upon receipt of scholarship funds, the Institution shall verify the recipients' enrollment status. If the recipient is Enrolled, the Institution may credit the disbursement funds to the recipient's account for expenses then due and payable. The balance of the disbursement shall be released to the recipient.
- 4) If the recipient has withdrawn from enrollment or drop to less than half-time enrollment, the Institution shall return the disbursement to ISAC.
- d) Scholarship funds are applicable to two semesters or three quarter terms and must be used for educational expenses, including, but not limited to, Tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.
- e) Should the recipient withdraw from enrollment during the first-Term financed by the scholarship, the recipient shall return the funds disbursed.

(Source: Amended at 14 Ill. Reg.10578, effective July 1, 1990)

Section 2761.40 Program Procedures (Repealed)

- a) The certified lists of Applicants submitted by Approved Illinois High Schools shall be subject to audit by ISSC.
- b) All Applicants shall submit their completed application to the postsecondary institution at which each Applicant is Enrolled or plans to enroll.
- c) The institution shall complete its portion of the application and submit the application to ISSC. An initial application must be received by ISSC within one year of the high school Graduation Date. Renewal applications must be received by ISSC by the deadline stated on the renewal application.
- d) Receipt by ISSC of a completed application shall constitute a request for payment. Funds shall be remitted to Institutions on behalf of the Qualified Students.
- e) When submitting an application to claim Merit Recognition Scholarship funds, the Institutions of Higher Learning shall certify that the that the recipient is:
 - 1) A U.S. Citizen or Eligible Noncitizen;
 - 2) A Resident of Illinois;
 - 3) Of Good Moral Character;
 - 4) Accepted for enrollment on at least a half-time basis;
 - 5) Not the recipient of a baccalaureate degree.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- f) Scholarship funds must be used for educational expenses, including, but not limited to, tuition and fees, room and board, books and supplies, and travel and personal expenses related to the student's enrollment.
- g) Upon receipt of scholarship funds, the Institution shall verify the recipients' enrollment status.
 - 1) If the recipient is Enrolled, the Institution may credit the scholarship funds to the recipient's account for expenses then due and payable. The balance of the scholarship funds shall be released to the recipient. If the recipient has withdrawn from enrollment, the Institution shall return the total amount of the scholarship to the ISSC.
 - 2) Should the recipient withdraw from enrollment during the first Term financed by the scholarship, the recipient shall refund the total amount of the scholarship. Should the recipient fail to refund the scholarship, the recipient forfeits any claims to a renewal scholarship.

(Source: Repealed at 14 Ill. Reg.10578 , effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Police Officer/Fire Officer Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2732
- 3) Section Numbers:

2732.10	Adopted Action:
2732.20	Amendment
	Amendment
- 4) Statutory Authority: Implementing Section 30-15.7c and authorized by 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, par. 30-14.4 and 30-15.7c).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:
November 27, 1989 13 Ill. Reg. 18257
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes have been made to the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The amendments update statutory citations and improve certain nomenclature.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmet Road
Deerfield, Illinois 60015
- 17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2732

POLICEMAN OFFICER/FIREMAN OFFICER DEPENDENT'S GRANT PROGRAM

Section

2732.10 Summary and Purpose

2732.20 Policeman Officer/Fireman Officer Dependent's Grant Program

AUTHORITY: Implementing Section 30-15.7c and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.4 and 30-15.7c).

SOURCE: Adopted at 9 Ill. Reg. 20873, effective January 1, 1986; amended at 11 Ill. Reg. 3239, effective January 29, 1987; transferred from Chapter IX, 23 Ill. Adm. Code 1732 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2732 (Illinois Student Assistance Commission) pursuant to P.A. 86-158, effective July 1, 1989, at 13 Ill. Reg. 17866; amended at 14 Ill. Reg. 10585, effective July 1, 1990.

Section 2732.10 Summary and Purpose

This Part establishes Rules which govern the Policeman Officer/Fireman Officer Dependent's Grant Program. Additional Rules and definitions are contained in the General Provisions Part at 23 Ill. Adm. Code 2700. Defined terms are indicated by the first letter being capitalized.

(Source: Amended at 14 Ill. Reg. 10585, effective July 1, 1990)

Section 2732.20 Policeman Officer/Fireman Officer Dependent's Grant Program

- a) If an Illinois Policeman Officer or Fireman Officer was declared killed in the line of duty, the surviving spouse and children of the deceased may receive undergraduate grant assistance under this Part.
- b) The surviving children must be at or under the age of twenty-five at the time of enrollment. The surviving children must be the natural or adopted children of the deceased. Step-children are ineligible.
- c) Recipients must be Citizens or Eligible Noncitizens of the United States, and Residents of Illinois.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- d) Grant amounts shall be calculated in accordance with Section 30-15.7(c) (1) and (2) of the Higher Education Assistance Law (Ill. Rev. Stat. 1985, ch. 122, par. 30-15.7(c)(1) and (2)) ~~as amended by Public Act 84-1300, effective August 19, 1986,~~ or as later amended. Financial need is not a criterion.
- e) Grants may be used at any postsecondary Institution approved for participation in the Monetary Award Program, provided the Applicant is Enrolled at least half-time and is maintaining Satisfactory Academic Progress. (See: 23 Ill. Adm. Code 2735.60.) Benefits are limited to the equivalent of ten semesters or fifteen quarters of payment.
- f) Applicants shall file a biographical application, identifying the deceased Policeman Officer/Fireman Officer and will be required to submit a death certificate. Once eligibility has been established on behalf of all eligible dependents in the family, an annual application identifying the Institution to be attended is required.

(Source: Amended at 14 Ill. Reg. 10585, effective July 1, 1990)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: State Scholar Program
- 2) Code Citation: 23 Ill. Adm. Code 2760
- 3) Section Numbers:

	<u>Adopted Action:</u>
2760.40	Amendment
- 4) Statutory Authority: Implementing Section 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1987, ch. 122, pars. 30-15.4, 30-15.5, and 30-15.6 as amended by P.A. 86-128).
- 5) Effective date of Amendments: July 1, 1990
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: April 23, 1990
- 9) Notice of Proposal Published in Illinois Register:

November 27, 1989	13 Ill. Reg. 18260
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- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences from the proposed version: No substantive changes were made to the proposed amendments. Clarifications were made at the request of the Joint Committee on Administrative Rules and the Administrative Code Unit.
- 12) Have all the changes agreed upon by the agency and JCAR been made? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on the Part? No

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Amendments: The amendments implement P.A. 86-128 by eliminating the class rank requirement for graduates of the Illinois Mathematics and Science Academy.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilmot Road
Deerfield, Illinois 60015
- 17) The full text of the Adopted Amendments begins on the next page:

ILLINOIS STUDENT ASSISTANCE COMMISSION
NOTICE OF ADOPTED AMENDMENTSTITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2760
STATE SCHOLAR PROGRAM

Section 2760.5	Summary and Purpose
2760.10	Selection Criteria
2760.30	Testing and Class Ranking of Students to be Considered for Program
2760.40	Other Information

AUTHORITY: Implementing Sections 30-15.5 and 30-15.6 and authorized by Section 30-15.4 of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.5, 30-15.6, and 30-15.4).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990.

Section 2760.40 Other Information

- a) High School officials or student Applicants shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. See: 23 Ill. Adm. Code 2700.70.
- b) A Certificate of Achievement and congratulatory letter shall be sent to each State Scholar.
- c) A listing of State Scholars shall be available to colleges, high schools, members of the General Assembly, and to the media.
- d) If an appeal concerning an Applicant's eligibility is received, ~~the~~ ISAC shall request the high school to verify the reported data. If the conflict remains, ~~the~~ ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- e) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Such requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.
- f) Contrary provisions of this Part notwithstanding, an Applicant who is enrolled at the Illinois Mathematics and Science Academy shall be designated a State Scholar provided the Applicant has reported to ISAC (pursuant to Section 2760.30) a test score equal to or greater than an Illinois Standard Score of 20.

(Source: Amended at 14 Ill. Reg. 10589, effective July 1, 1990)

NOTICE OF REFUSAL TO MEET THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) The Heading of the Part: Truants' Alternative and Optional Education Programs

2) Code Citation: 23 Ill. Adm. Code 205

3) Section Numbers: 205.40
Action:
Refusal to modify
or withdraw

4) Date Notice of Proposed Rules Published in the Register (if applicable):

December 8, 1989, 13 Ill. Reg. 18991

5) Date JCAR Statement of Objection Published in the Register:

April 20, 1990, 14 Ill. Reg. 5899

6) Summary of Action Taken by the Agency:

The Joint Committee objected to Section 205.40(a) of the Board's rules based upon the Board's statement regarding three-year funding for programs begun in 1989-1990, since such three-year implementation procedures were incomplete as of the 1989-90 funding period. This objection is based on the requirements of the Illinois Administrative Procedures Act, prohibiting program implementation prior to the completion of necessary rulemaking activities.

While the Board acknowledges the validity of the Joint Committee's concern, the Board feels that neither modifying nor withdrawing this Section of the rules would in any way address the substance of the objection.

In the present instance, modifying or withdrawing Section 205.40(a) would only extend the period during which the program is operated without rules and thus prolong the situation to which the Joint Committee has objected. The Board therefore declines to modify or withdraw this rulemaking in response to the objection.

NOTICE OF PUBLIC INFORMATION

INITIAL PLAN OF THE ADVISORY COMMISSION

The Illinois Affordable Housing Act (P.A. 86-925, effective September 15, 1989) (the "Act") established the Illinois Affordable Housing Program (the "Program") to provide affordable housing to low and very low income persons and families. The Act established the Illinois Affordable Housing Trust Fund (the "Trust Fund") within which is deposited 50% of the collections from the State real estate transfer tax. The Trust Fund monies fund the Program.

The Act creates an Advisory Commission (the "Commission") to advise the Illinois Housing Development Authority (the "Authority") as to the operation of the Program. The Act provides that the Commission carry out certain responsibilities, including, the development and publication of a plan. Section 17(a) of the Act requires the Commission to prepare and publish in the Illinois Register a plan which describes the available resources to the Program, the application process for the Program, and the initial priorities for expenditure of the available resources. Pursuant to Section 17(a) of the Act, the Advisory Commission to the Illinois Affordable Housing Program has prepared the following plan:

I. Available Resources

Based on a review of the initial months of the Program and projections by the Illinois Department of Revenue, the monies available to be spent on the Program in fiscal year 1991 shall be approximately 25 million dollars. This figure represents a combination of the FY 91 collection projections from the State real estate transfer tax and the amount of monies reappropriated from FY 90.

II. Application Process

The applicant must first complete an application form created by the Authority. The application requests, among other things, the following information:

- A general description of the proposed project.
- The total number of units, total number of low and very low income units, unit size and mix, and the respective rents to be charged.
- A breakdown of the project budget's uses and sources.
- A development plan which outlines the project's completion schedule and identifies the project's participants and anticipated funding sources.
- The background, housing experience, and financial status of

the applicant.

The Authority charges a \$250 application fee which must accompany the application.

After the applicant submits the application, the Authority will review it to determine whether the project, as proposed, satisfies the purposes and requirements of the Act and the Rules promulgated thereunder. The Authority will notify the applicant within 20 days if the application fails to meet these requirements. If the application meets these basic requirements the Authority staff, in cooperation with the applicant, will establish and obtain the additional information necessary to properly evaluate the project. The Authority staff will then analyze the project's economic feasibility. Based on this analysis, the Authority will make its recommendation to the Commission. The recommendations of the Authority staff together with those of the Commission will then be presented to the Authority's Board of Directors (the "Board") for approval. Prior to the hearing by the Board, the Authority will notify parties interested in the application, including local officials, of the details of the project. Upon approval by the Board, the Authority staff will deliver a conditional commitment to the applicant.

III. Initial Priorities

The following statement represents the initial priorities for the evaluation of Program applications. The priorities and goals stated below represent guidelines to be followed in evaluating applications and are not intended to be exhaustive. The Commission may modify these priorities and goals as the Program evolves.

- a) Priority should be given to those applications which demonstrate that the applicant has explored and exhausted all available public and private resources.
- b) Priority should be given to applications which demonstrate cost-efficiency and quality as compared to similar housing types in the relevant market area.
- c) Priority should be given to those projects which provide the lowest housing expense for the longest period of time, with a goal of ensuring that some Trust Fund monies be directed to the lowest income population.
- d) The Program should ensure an equitable distribution of Trust Fund monies across the State by establishing a goal of funding a proportionate number of units in each County as compared to that County's percentage of the State's low and very low income population.
- e) The Program should ensure that funding is provided for a proportionate number of units for the low and very low income special needs population as compared to the percentage that population represents of the State's low and

very low income population.

As the Program evolves, the Commission will expand upon these priorities and will include its additional findings and conclusions in the next plan.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 11, 1990, through June 15, 1990, and have been scheduled for review by the Committee at its July 26, 1990 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its July meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/26/90	Department of Public Health, Illinois Water Well Construction Code (77 Ill. Adm. Code 920)	4/13/90 14 Ill. Reg. 5484	July 26, 1990
7/26/90	Department of Mines and Minerals, An Act in Relation to Oil, Gas and Other Surface and Underground Resources (62 Ill. Adm. Code 240)	3/9/90 14 Ill. Reg. 3394	July 26, 1990
7/27/90	Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)	4/13/90 14 Ill. Reg. 5488	July 26, 1990
7/27/90	Department of Public Aid, Aid to Families with Dependent Children (89 Ill. Adm. Code 112)	4/27/90 14 Ill. Reg. 5923	July 26, 1990
7/27/90	Department of Public Aid, Food Stamps (89 Ill. Adm. Code 121)	4/27/90 14 Ill. Reg. 5935	July 26, 1990
7/27/90	Department of Public Aid, General Assistance (89 Ill. Adm. Code 114)	4/27/90 14 Ill. Reg. 5945	July 26, 1990
7/27/90	Department of Public Aid, Support Responsibility of Relatives (89 Ill. Adm. Code 103)	4/27/90 14 Ill. Reg. 5965	July 26, 1990

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSECOND NOTICES RECEIVED
(page 2)

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
7/30/90	Department of Children and Family Services, Confidentiality of Personal Information of Persons Served by the Department (89 Ill. Adm. Code 431)	3/23/90 14 Ill. Reg. 4303	July 26, 1990
7/30/90	Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1030)	4/6/90 14 Ill. Reg. 5060	July 26, 1990
7/30/90	Illinois Housing Development Authority, Low-Income Housing Tax Credit Allocation (47 Ill. Adm. Code 350)	4/20/90 14 Ill. Reg. 5653	July 26, 1990
7/30/90	Illinois Housing Development Authority, Low-Income Housing Tax Credit Allocation; Repeal of (47 Ill. Adm. Code 350)	4/20/90 14 Ill. Reg. 5651	July 26, 1990
7/30/90	Department of Professional Regulation, Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)	2/16/90 14 Ill. Reg. 2444	July 26, 1990
7/30/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	4/13/90 14 Ill. Reg. 5417	July 26, 1990
7/30/90	Department of Public Aid, Medical Payment (89 Ill. Adm. Code 140)	4/20/90 14 Ill. Reg. 5726	July 26, 1990
7/30/90	Office of the Auditor General, Code of Regulations (74 Ill. Adm. Code 420)	7/21/89 13 Ill. Reg. 11983	July 26, 1990

PROCLAMATION

90-292

OHIO RIVER SWEEP DAY
(Revised)

Whereas, the Ohio River provides Illinois citizens with drinking water and recreational and scenic routes; and
 Whereas, the Ohio River preserves southern Illinois history as it winds along towns full of legends and folklore; and
 Whereas, to remind Illinois citizens to preserve the Ohio River, the Ohio River Valley Water Sanitation Commission, the Illinois Environmental Protection Agency, and the states bordering the Ohio River will conduct a one-day cleanup of the Ohio River banks;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 16, 1990, as OHIO RIVER SWEEP DAY in Illinois to promote the cleanup of the Ohio River banks, to improve its scenery, and to increase public awareness of the importance of the Ohio River and all Illinois waters.

Issued by the Governor June 11, 1990.
 Filed with the Secretary of State June 18, 1990.

90-297

SPECIAL OLYMPICS ADOPT-A-COP MONTH

Whereas, the Special Olympics is designed to give mentally retarded citizens an opportunity to develop their skills, to experience success, and to grow both physically and mentally through an organized physical fitness program; and

Whereas, law enforcement officers throughout Illinois have organized a Law Enforcement Torch Run for the benefit of the Special Olympics to create an expanded awareness of the importance of the Special Olympics and to raise funds for the program; and

Whereas, the Special Olympics instills hope and courage in thousands of our citizens by providing opportunities for them to participate in physical contests; and

Whereas, torch runners from all parts of the state will meet in Bloomington, Illinois, on June 15 to open the 1990 Special Olympics Summer Games;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 1990 as SPECIAL OLYMPICS ADOPT-A-COP MONTH in Illinois. I urge all citizens, businesses, and organizations to support our law enforcement officers as they conduct Special Olympics torch runs throughout Illinois on behalf of Special Olympics.

Issued by the Governor June 7, 1990.
 Filed with the Secretary of State June 18, 1990.

90-298

CHILD SUPPORT ENFORCEMENT AWARENESS WEEK

Whereas, it is the public policy of the State of Illinois as set forth in its statutes to place the responsibility upon all citizens to support and maintain their children under the age of 18; and

Whereas, the public policy recognizes the right of every child to the physical, mental, emotional, and monetary support of his or her parents; and

Whereas, such support is not being given to all qualifying children within the State of Illinois; and
 Whereas, when parents fail to meet their financial obligations to their children, they place a significant burden on the federal, state, and local governmental entities which have responded to the needs of these children; and

Whereas, substantial progress could be made in the efforts to improve child support by increasing awareness among citizens;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 17-23, 1990, as CHILD SUPPORT ENFORCEMENT AWARENESS WEEK in Illinois.

Issued by the Governor June 11, 1990.

Filed with the Secretary of State June 18, 1990.

90-299

FATHER'S DAY

Whereas, on June 17, 1990, Father's Day will be observed for the 80th consecutive time; and

Whereas, American fathers are looked upon to guide children and inspire in them the importance of morals and ethics, as well as fundamental laws that govern relationships among all people;

Whereas, fathers should impress upon their children the importance of civic involvement and family responsibility, which are the requisites of good American citizenship; and

Whereas, the maintenance of a lively and wholesome family environment is one of the objectives of the Father's Day Movement, which over the years has sought to adapt to changing values and customs; and

Whereas, it is appropriate that we designate one day in the year to pay tribute to those special men--our natural, adoptive, and foster fathers;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 17, 1990, as FATHER'S DAY in Illinois, in conjunction with the national observance. I urge all Illinoisans to publicly express their appreciation to those in our society who have taken on the responsibility and joys of fatherhood.

Issued by the Governor June 11, 1990.

Filed with the Secretary of State June 18, 1990.

90-300

FEDERAL EMPLOYEE OF THE YEAR DAY

Whereas, recognition of outstanding service by dedicated employees should be one of the top priorities of good management; and

Whereas, for the past 33 years, the Chicago Federal Employee of the Year Awards Program has honored special employees for their loyalty and effort; and

Whereas, on September 19, 1990, the awards will be given to the outstanding employees in each of seven categories: professional, clerical, supervisory, law enforcement, trades and crafts, program specialist, and technical or program support; and

Whereas, the employees chosen will typify the significant accomplishments of competence and efficiency of federal employees;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim September 19, 1990, as FEDERAL EMPLOYEE OF THE YEAR DAY in Illinois. I ask all citizens to join in the recognition of federal employees for the many vital services they provide.

Issued by the Governor June 11, 1990.

Filed with the Secretary of State June 18, 1990.

90-301

RESPECT LIFE WEEK

Whereas, the Preamble of the Constitution of the United States was designed for the people of this land to "secure the blessings of liberty to ourselves and our posterity"; and

Whereas, the Declaration of Independence states that we are endowed by our Creator with certain inalienable rights, including the right to life; and

Whereas, the life of each person is sacred--the young and the old, the healthy and the sick, the gifted and disadvantaged; and

Whereas, the purpose of Respect Life Week is to remind the American people of the dignity of human life;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 7-14, 1990, as RESPECT LIFE WEEK in Illinois.

Issued by the Governor June 11, 1990.

Filed with the Secretary of State June 18, 1990.

90-302

VILLAGE OF SUMMIT DAY

Whereas, the village of Summit was founded in 1890 and received its name because the area resembled a mountain peak; and

Whereas, Summit has grown from a small, rural area into a successful industrial and business community with a population of

10,000 citizens; and

Whereas, the citizens are as unique as their village. They have mixed heritage and are industrious, progressive, friendly, and generous people who take great pride in their community and its positive development; and

Whereas, Summit has been selected as one of the communities in the National Heritage Corridor; and

Whereas, Summit will be celebrating its 100th anniversary on June 20, 1990;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 20, 1990, as VILLAGE OF SUMMIT DAY in Illinois in honor of the community's 100th anniversary and urge citizens to take part in the numerous festivities planned to celebrate the event.

Issued by the Governor June 11, 1990.

Filed with the Secretary of State June 18, 1990.

90-303

HRMAC PROFESSIONAL DAY

Whereas, the management of human resources is one of the fastest growing professions in the United States today with an enormous impact on decisions affecting nearly all people in the workplace; and

Whereas, today's human resource managers, in responding to society's changing expectations and values, perform a myriad of services for their organizations encompassing counseling on government regulations, assisting in career development, developing training programs, and negotiating labor contracts; and

Whereas, programs and policies created and implemented by human resource managers can lead to the most productive utilization of an organization's employees; and

Whereas, the Human Resources Management Association of Chicago, the oldest and largest greater metropolitan human resources professional association in the United States dedicated to the advancement of human resources management, is celebrating its 75th anniversary;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim June 21, 1990, as HRMAC PROFESSIONAL DAY in Illinois.

Issued by the Governor June 14, 1990.

Filed with the Secretary of State June 18, 1990.

ACTION CODES

ICAR Joint Committee on Administrative Rules

- A - Adopted Rule
 AR - Adopted Repealer
 C - Notice of Corrections
 CC - Codification Changes
 E - Emergency Rule
 ER - Emergency Repealer
 M - Modification to meet ICAR objections
 O - ICAR Statement of Objections
- P - Proposed Rule
 PF - Prohibited Filing Ordered by JCAR
 PP - Peremptory or Court ordered Rules
 PR - Proposed Repealer
 R - Refusal to meet JCAR objection
 RC - Statement of Recommendation
 S - Suspension ordered by JCAR
 W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 PART ACTION CODE PAGE NUMBER TITLE
 III. Grain Insurance Act (P-18048/85; A-6818) ACTION CODE PAGE NUMBER ACTION CODE
 PREVIOUS VOLUME

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-1077) (P-13638/89; O-17144/89; R-1533) (P-13353/89; A-1233)
 89 Ill. Adm. Code 230 Older Americans Act Programs (P-14499/89; A-2308)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15911/89; A-1907) (P-16861/89; A-3416) (P-8759)
 8 Ill. Adm. Code 75 Bovine Brucellosis (P-15915/89; A-1911)
 8 Ill. Adm. Code 85 Diseased Animals (P-15926/89; A-1919) (P-8768)
 8 Ill. Adm. Code 80 III. Bovine Tuberculosis Eradication Act (P-15938/89; A-1931)
 8 Ill. Adm. Code 115 III. Pseudorabies Control Act (P-15942/89; A-1935) (P-19329/89; A-5065) (P-3773)
 8 Ill. Adm. Code 40 Livestock Auction Markets (P-15950/89; A-1943)
 8 Ill. Adm. Code 45 Marketing Center (Livestock) (P-15956/89; A-1949)
 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (P-16625/89; A-3424) (PP-4953)
 8 Ill. Adm. Code 850 Motor Fuel Standards Act (P-19837/89; A-5072)
 2 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-584) (A-4093) (A-9009)
 8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3711; A-10308)
 8 Ill. Adm. Code 100 Swine Brucellosis (P-15960/89; A-1953)
 8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-15963/89; A-1961) (P-8777)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

77 Ill. Adm. Code 2058 Licensure of Alcoholism & Substance Abuse Treatment Intervention & Research Programs (P-6457)

ATTORNEY GENERAL

86 Ill. Adm. Code 2000 Ill. Estate & Generation - Skipping Transfer Tax Act (P-4281)

AUDITOR GENERAL

74 Ill. Adm. Code 420 Code of Regulations (P-1541)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

38 Ill. Adm. Code 395 Corporate Fiduciary Branch Offices (P-2981)
 38 Ill. Adm. Code 396 Corporate Fiduciary Subsidiaries (P-2985)
 38 Ill. Adm. Code 356 Reimbursement to Banks for Financial Records (P-3303)

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56 Ill. Adm. Code 6000 Carnival & Amusement Ride Inspection Law (P-2989) (E-3235; O-5905)

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80 Ill. Adm. Code 303 Conditions of Employment (P-17169/89; A-3433)
 80 Ill. Adm. Code 2160 Local Government Health Plan (P-4288)
 80 Ill. Adm. Code 5010 Marking, Inventory, Transfer & Disposal of State-Owned Personal Property (P-8271) (E-8714)
 80 Ill. Adm. Code 310 Pay Plan (P-427; A-10002) (P-15141/89; A-615) (PP-1627) (P-17521/89; A-4455) (P-5269) (PP-7652) (P-7675) (P-10189)
 80 Ill. Adm. Code 3000 Travel Regulation Council, The (P-1548; A-10014)

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89 Ill. Adm. Code 431 Confidentiality of Personal Information of Persons Served by the Dept. (P-4303)
 89 Ill. Adm. Code 410 Licensing Standards for Youth Emergency Shelters (P-439; O-8206; R-9622; A-9407) (E-999)
 89 Ill. Adm. Code 300 Reports of Child Abuse & Neglect (P-20159/89; C-2684)
 89 Ill. Adm. Code 337 Service Appeal Process (P-9273)
 89 Ill. Adm. Code 302 Services Delivered by the Dept. (P-1) (P-2205) (P-14508/89; A-3438)

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14 Ill. Adm. Code 525 Economic Development Area Tax Increment Allocation Financing (P-13356/89; A-1968)
 14 Ill. Adm. Code 520 Enterprise Zone Program (P-15975/89; A-3445)
 14 Ill. Adm. Code 590 III. Large Business Development Program (P-7291)
 14 Ill. Adm. Code 610 III. Public Infrastructure Loan & Grant Program (P-7300)
 56 Ill. Adm. Code 2650 Industrial Training Program (P-15977/89; A-5075)
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 47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-5296)
 14 Ill. Adm. Code 545 Technology Advancement & Development Act Program (P-19336/89; A-9016)
 56 Ill. Adm. Code 2610 Training Services for the Disadvantaged (P-5017/89; A-1976)
 56 Ill. Adm. Code 2630 Uniform Fiscal & Administrative Standards for the Job Training Partnership Act (P-5310) (P-7312)

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92 Ill. Adm. Code 1207 Agents for Service of Process (P-15150/89; A-3033)
 83 Ill. Adm. Code 760 Cellular Radio Exclusion (P-13358/89; A-3077) (P-9631)
 83 Ill. Adm. Code 281 Energy Assistance (PR-4312)
 92 Ill. Adm. Code 1415 Freight Bills & Bills of Lading or Other Forms (P-19339/89; A-8583)
 83 Ill. Adm. Code 900 Joint Rules of the Ill. Commerce Commission & the Dept. of Energy & Natural Resources: Residential Conservation Plan (PR-12680/89; AR-624)
 92 Ill. Adm. Code 1300 Minimum Rate (PR-14147/89; AR-3040)
 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & for Gas Pipeline Facilities (P-19344/89; A-10018)
 83 Ill. Adm. Code 445 Purchase & Sale of Electric Energy from Qualified Solid Waste Energy Facilities (P-13129/89; A-626)